

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6160

Chapter 213, Laws of 2016

64th Legislature
2016 Regular Session

MOTOR VEHICLE AIR BAGS--MANUFACTURE, SALE, DISTRIBUTION, AND
INSTALLATION--CRIMES

EFFECTIVE DATE: 6/9/2016

Passed by the Senate March 8, 2016
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2016
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 1, 2016 4:43 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6160** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 4, 2016

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6160

AS AMENDED BY THE HOUSE

Passed Legislature - 2016 Regular Session

State of Washington 64th Legislature 2016 Regular Session

By Senate Law & Justice (originally sponsored by Senators O'Ban, Frockt, Fain, Hobbs, Nelson, Rolfes, Conway, and Becker)

READ FIRST TIME 01/27/16.

1 AN ACT Relating to the manufacture, sale, distribution, and
2 installation of motor vehicle air bags; amending RCW 46.37.640,
3 46.37.650, 46.37.660, 46.63.020, and 9.94A.515; creating new
4 sections; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 46.37.640 and 2003 c 33 s 1 are each amended to read
7 as follows:

8 (1) "Air bag" means an inflatable restraint system or portion of
9 an inflatable restraint system (~~((installed in a motor vehicle))~~)
10 including, but not limited to, the cushion material, cover, sensors,
11 controllers, inflators, and wiring that (a) operates in the event of
12 a crash and (b) is designed in accordance with federal motor vehicle
13 safety standards for the specific make, model, and year of the motor
14 vehicle in which it is or will be installed.

15 (2) "Previously deployed air bag" means an inflatable restraint
16 system or portion of the system that has been activated or inflated
17 as a result of a collision or other incident involving the vehicle.

18 (3) "Nondeployed salvage air bag" means an inflatable restraint
19 system or portion of an inflatable restraint system that has not been
20 previously activated or inflated as a result of a collision or other
21 incident involving the vehicle.

1 (4) "Counterfeit air bag" means a replacement motor vehicle
2 inflatable occupant restraint system, including all component parts
3 including, but not limited to, the cushion material, cover, sensors,
4 controllers, inflators, and wiring, displaying a mark identical or
5 similar to the genuine mark of a motor vehicle manufacturer without
6 authorization from the manufacturer.

7 (5) "Nonfunctional air bag" means a replacement motor vehicle
8 inflatable occupant restraint system, including all component parts
9 including, but not limited to, the cushion material, cover, sensors,
10 controllers, inflators, and wiring, which: (a) Was previously
11 deployed or damaged; (b) has an electric fault that is detected by
12 the vehicle air bag diagnostic system after the installation
13 procedure is completed; or (c) includes any part or object including,
14 but not limited to, a counterfeit or repaired air bag cover,
15 installed in a motor vehicle to mislead the owner or operator of the
16 motor vehicle into believing that a functional air bag has been
17 installed.

18 **Sec. 2.** RCW 46.37.650 and 2011 c 96 s 33 are each amended to
19 read as follows:

20 (1)(a) It is unlawful for a person ((is guilty of a gross
21 misdemeanor if he or she knew or reasonably should have known that an
22 air bag he or she installs or reinstalls in a vehicle for
23 compensation, or distributes as an auto part)), with criminal
24 negligence, to manufacture or import a motor vehicle air bag, that:
25 (i) Is a counterfeit air bag, (ii) is a nonfunctional air bag, (iii)
26 is a previously deployed or damaged air bag that is part of an
27 inflatable restraint system, or (iv) otherwise does not meet all
28 applicable federal safety standards for an air bag. This subsection
29 does not apply to nondeployed salvage air bags that meet the
30 requirements of RCW 46.37.660(1).

31 ((+2)) (b) A person ((found guilty under subsection (1) of this
32 section shall be punished by a fine of not more than five thousand
33 dollars or by confinement in the county jail for up to three hundred
34 sixty four days, or both)) in violation of this subsection is guilty
35 of a class C felony if the criminal negligence caused bodily injury
36 as defined in RCW 9A.04.110 or death to another person.

37 (c) A person in violation of this subsection is guilty of a class
38 C felony, regardless if the criminal negligence caused harm to
39 another.

1 (2)(a) It is unlawful for a person, in a reckless manner, to
2 sell, offer for sale, install, or reinstall a device in a vehicle for
3 compensation, or distribute as an auto part, or replace a motor
4 vehicle air bag, that: (i) Is a counterfeit air bag, (ii) is a
5 nonfunctional air bag, (iii) is a previously deployed or damaged air
6 bag that is part of an inflatable restraint system, or (iv) otherwise
7 does not meet all applicable federal safety standards for an air bag.
8 This subsection does not apply to nondeployed salvage air bags that
9 meet the requirements of RCW 46.37.660(1).

10 (b) A person in violation of this subsection is guilty of a class
11 C felony if the reckless manner caused bodily injury as defined in
12 RCW 9A.04.110 or death to another person.

13 (c) A person in violation of this subsection is guilty of a class
14 C felony, regardless if the reckless manner caused harm to another.

15 **Sec. 3.** RCW 46.37.660 and 2003 c 33 s 3 are each amended to read
16 as follows:

17 (1)(a) Whenever an air bag that is part of a previously deployed
18 inflatable restraint system is replaced by either a new air bag that
19 is part of an inflatable restraint system or a nondeployed salvage
20 air bag that is part of an inflatable restraint system, the air bag
21 must conform to the original equipment manufacturer requirements and
22 the installer must verify that the self-diagnostic system for the
23 inflatable restraint system indicates that the entire inflatable
24 restraint system is operating properly.

25 (b) A person in violation of this subsection (1) is guilty of a
26 class C felony if the violation caused bodily injury as defined in
27 RCW 9A.04.110 or death to another person.

28 (c) A person in violation of this subsection (1) is guilty of a
29 class C felony, regardless if the violation caused harm to another.

30 (2)(a) No person may sell, install, or reinstall in any motor
31 vehicle any device that causes the vehicle's diagnostic system to
32 inaccurately indicate that the vehicle is equipped with a functional
33 air bag when a counterfeit air bag, a nonfunctional air bag, or no
34 air bag is installed. This subsection does not apply to nondeployed
35 salvage air bags that meet the requirements of subsection (1) of this
36 section.

37 (b) A person in violation of this subsection (2) is guilty of a
38 class C felony if the violation caused bodily injury as defined in
39 RCW 9A.04.110 or death to another person.

1 (c) A person in violation of this subsection (2) is guilty of a
2 class C felony, regardless if the violation caused harm to another.

3 **Sec. 4.** RCW 46.63.020 and 2014 c 124 s 9 are each amended to
4 read as follows:

5 Failure to perform any act required or the performance of any act
6 prohibited by this title or an equivalent administrative regulation
7 or local law, ordinance, regulation, or resolution relating to
8 traffic including parking, standing, stopping, and pedestrian
9 offenses, is designated as a traffic infraction and may not be
10 classified as a criminal offense, except for an offense contained in
11 the following provisions of this title or a violation of an
12 equivalent administrative regulation or local law, ordinance,
13 regulation, or resolution:

14 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
15 regarding the inspection of and installation of equipment on wheeled
16 all-terrain vehicles;

17 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
18 vehicle while under the influence of intoxicating liquor or a
19 controlled substance;

20 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

21 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
22 while under the influence of intoxicating liquor or narcotics or
23 habit-forming drugs or in a manner endangering the person of another;

24 (5) RCW 46.10.495 relating to the operation of snowmobiles;

25 (6) Chapter 46.12 RCW relating to certificates of title,
26 registration certificates, and markings indicating that a vehicle has
27 been destroyed or declared a total loss;

28 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
29 of taxes and fees by failure to register a vehicle and falsifying
30 residency when registering a motor vehicle;

31 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
32 drive;

33 (9) RCW 46.16A.320 relating to vehicle trip permits;

34 (10) RCW 46.19.050(1) relating to knowingly providing false
35 information in conjunction with an application for a special placard
36 or license plate for disabled persons' parking;

37 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
38 placard, special license plate, special year tab, or identification
39 card;

- 1 (12) RCW 46.19.050(9) relating to sale of a parking placard,
2 special license plate, special year tab, or identification card;
- 3 (13) RCW 46.20.005 relating to driving without a valid driver's
4 license;
- 5 (14) RCW 46.20.091 relating to false statements regarding a
6 driver's license or instruction permit;
- 7 (15) RCW 46.20.0921 relating to the unlawful possession and use
8 of a driver's license;
- 9 (16) RCW 46.20.342 relating to driving with a suspended or
10 revoked license or status;
- 11 (17) RCW 46.20.345 relating to the operation of a motor vehicle
12 with a suspended or revoked license;
- 13 (18) RCW 46.20.410 relating to the violation of restrictions of
14 an occupational driver's license, temporary restricted driver's
15 license, or ignition interlock driver's license;
- 16 (19) RCW 46.20.740 relating to operation of a motor vehicle
17 without an ignition interlock device in violation of a license
18 notation that the device is required;
- 19 (20) RCW 46.20.750 relating to circumventing an ignition
20 interlock device;
- 21 (21) RCW 46.25.170 relating to commercial driver's licenses;
- 22 (22) Chapter 46.29 RCW relating to financial responsibility;
- 23 (23) RCW 46.30.040 relating to providing false evidence of
24 financial responsibility;
- 25 (24) RCW 46.35.030 relating to recording device information;
- 26 (25) RCW 46.37.435 relating to wrongful installation of
27 sunscreening material;
- 28 (26) RCW 46.37.650 relating to the manufacture, importation,
29 sale, ((resale,)) distribution, or installation of a counterfeit air
30 bag, nonfunctional air bag, or previously deployed or damaged air
31 bag;
- 32 (27) RCW 46.37.660 relating to the sale or installation of a
33 device that causes a vehicle's diagnostic system to inaccurately
34 indicate that the vehicle has a functional air bag when a counterfeit
35 air bag, nonfunctional air bag, or no air bag is installed;
- 36 (28) RCW 46.37.671 through 46.37.675 relating to signal
37 preemption devices;
- 38 ((+28)) (29) RCW 46.37.685 relating to switching or flipping
39 license plates, utilizing technology to flip or change the appearance
40 of a license plate, selling a license plate flipping device or

1 technology used to change the appearance of a license plate, or
2 falsifying a vehicle registration;
3 ~~((+29))~~ (30) RCW 46.44.180 relating to operation of mobile home
4 pilot vehicles;
5 ~~((+30))~~ (31) RCW 46.48.175 relating to the transportation of
6 dangerous articles;
7 ~~((+31))~~ (32) RCW 46.52.010 relating to duty on striking an
8 unattended car or other property;
9 ~~((+32))~~ (33) RCW 46.52.020 relating to duty in case of injury to
10 or death of a person or damage to an attended vehicle;
11 ~~((+33))~~ (34) RCW 46.52.090 relating to reports by repairers,
12 storage persons, and appraisers;
13 ~~((+34))~~ (35) RCW 46.52.130 relating to confidentiality of the
14 driving record to be furnished to an insurance company, an employer,
15 and an alcohol/drug assessment or treatment agency;
16 ~~((+35))~~ (36) RCW 46.55.020 relating to engaging in the
17 activities of a registered tow truck operator without a registration
18 certificate;
19 ~~((+36))~~ (37) RCW 46.55.035 relating to prohibited practices by
20 tow truck operators;
21 ~~((+37))~~ (38) RCW 46.55.300 relating to vehicle immobilization;
22 ~~((+38))~~ (39) RCW 46.61.015 relating to obedience to police
23 officers, flaggers, or firefighters;
24 ~~((+39))~~ (40) RCW 46.61.020 relating to refusal to give
25 information to or cooperate with an officer;
26 ~~((+40))~~ (41) RCW 46.61.022 relating to failure to stop and give
27 identification to an officer;
28 ~~((+41))~~ (42) RCW 46.61.024 relating to attempting to elude
29 pursuing police vehicles;
30 ~~((+42))~~ (43) RCW 46.61.212(4) relating to reckless endangerment
31 of emergency zone workers;
32 ~~((+43))~~ (44) RCW 46.61.500 relating to reckless driving;
33 ~~((+44))~~ (45) RCW 46.61.502 and 46.61.504 relating to persons
34 under the influence of intoxicating liquor or drugs;
35 ~~((+45))~~ (46) RCW 46.61.503 relating to a person under age
36 twenty-one driving a motor vehicle after consuming alcohol;
37 ~~((+46))~~ (47) RCW 46.61.520 relating to vehicular homicide by
38 motor vehicle;
39 ~~((+47))~~ (48) RCW 46.61.522 relating to vehicular assault;

1 ~~((48))~~ (49) RCW 46.61.5249 relating to first degree negligent
2 driving;

3 ~~((49))~~ (50) RCW 46.61.527(4) relating to reckless endangerment
4 of roadway workers;

5 ~~((50))~~ (51) RCW 46.61.530 relating to racing of vehicles on
6 highways;

7 ~~((51))~~ (52) RCW 46.61.655(7) (a) and (b) relating to failure to
8 secure a load;

9 ~~((52))~~ (53) RCW 46.61.685 relating to leaving children in an
10 unattended vehicle with the motor running;

11 ~~((53))~~ (54) RCW 46.61.740 relating to theft of motor vehicle
12 fuel;

13 ~~((54))~~ (55) RCW 46.64.010 relating to unlawful cancellation of
14 or attempt to cancel a traffic citation;

15 ~~((55))~~ (56) RCW 46.64.048 relating to attempting, aiding,
16 abetting, coercing, and committing crimes;

17 ~~((56))~~ (57) Chapter 46.65 RCW relating to habitual traffic
18 offenders;

19 ~~((57))~~ (58) RCW 46.68.010 relating to false statements made to
20 obtain a refund;

21 ~~((58))~~ (59) Chapter 46.70 RCW relating to unfair motor vehicle
22 business practices, except where that chapter provides for the
23 assessment of monetary penalties of a civil nature;

24 ~~((59))~~ (60) Chapter 46.72 RCW relating to the transportation of
25 passengers in for hire vehicles;

26 ~~((60))~~ (61) RCW 46.72A.060 relating to limousine carrier
27 insurance;

28 ~~((61))~~ (62) RCW 46.72A.070 relating to operation of a limousine
29 without a vehicle certificate;

30 ~~((62))~~ (63) RCW 46.72A.080 relating to false advertising by a
31 limousine carrier;

32 ~~((63))~~ (64) Chapter 46.80 RCW relating to motor vehicle
33 wreckers;

34 ~~((64))~~ (65) Chapter 46.82 RCW relating to driver's training
35 schools;

36 ~~((65))~~ (66) RCW 46.87.260 relating to alteration or forgery of
37 a cab card, letter of authority, or other temporary authority issued
38 under chapter 46.87 RCW;

39 ~~((66))~~ (67) RCW 46.87.290 relating to operation of an
40 unregistered or unlicensed vehicle under chapter 46.87 RCW.

1 Indecent Liberties (with forcible
2 compulsion) (RCW
3 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW
8 70.74.280(3))
9 Sexually Violent Predator Escape (RCW
10 9A.76.115)
11 IX Abandonment of Dependent Person 1
12 (RCW 9A.42.060)
13 Assault of a Child 2 (RCW 9A.36.130)
14 Explosive devices prohibited (RCW
15 70.74.180)
16 Hit and Run—Death (RCW
17 46.52.020(4)(a))
18 Homicide by Watercraft, by being under
19 the influence of intoxicating liquor
20 or any drug (RCW 79A.60.050)
21 Inciting Criminal Profiteering (RCW
22 9A.82.060(1)(b))
23 Malicious placement of an explosive 2
24 (RCW 70.74.270(2))
25 Robbery 1 (RCW 9A.56.200)
26 Sexual Exploitation (RCW 9.68A.040)
27 VIII Arson 1 (RCW 9A.48.020)
28 Commercial Sexual Abuse of a Minor
29 (RCW 9.68A.100)
30 Homicide by Watercraft, by the
31 operation of any vessel in a reckless
32 manner (RCW 79A.60.050)
33 Manslaughter 2 (RCW 9A.32.070)
34 Promoting Prostitution 1 (RCW
35 9A.88.070)

1 Theft of Ammonia (RCW 69.55.010)
2 Vehicular Homicide, by the operation of
3 any vehicle in a reckless manner
4 (RCW 46.61.520)
5 VII Air bag diagnostic systems (causing
6 bodily injury or death) (RCW
7 46.37.660(2)(b))
8 Air bag replacement requirements
9 (causing bodily injury or death)
10 (RCW 46.37.660(1)(b))
11 Burglary 1 (RCW 9A.52.020)
12 Child Molestation 2 (RCW 9A.44.086)
13 Civil Disorder Training (RCW
14 9A.48.120)
15 Manufacture or import counterfeit,
16 nonfunctional, damaged, or
17 previously deployed air bag
18 (causing bodily injury or death)
19 (RCW 46.37.650(1)(b))
20 Sale, install, reinstall counterfeit,
21 nonfunctional, damaged, or
22 previously deployed airbag (RCW
23 46.37.650(2)(b))
24 Dealing in depictions of minor engaged
25 in sexually explicit conduct 1
26 (RCW 9.68A.050(1))
27 Drive-by Shooting (RCW 9A.36.045)
28 Homicide by Watercraft, by disregard
29 for the safety of others (RCW
30 79A.60.050)
31 Indecent Liberties (without forcible
32 compulsion) (RCW 9A.44.100(1)
33 (b) and (c))
34 Introducing Contraband 1 (RCW
35 9A.76.140)

1 Malicious placement of an explosive 3
2 (RCW 70.74.270(3))
3 Negligently Causing Death By Use of a
4 Signal Preemption Device (RCW
5 46.37.675)
6 Sending, bringing into state depictions
7 of minor engaged in sexually
8 explicit conduct 1 (RCW
9 9.68A.060(1))
10 Unlawful Possession of a Firearm in the
11 first degree (RCW 9.41.040(1))
12 Use of a Machine Gun in Commission
13 of a Felony (RCW 9.41.225)
14 Vehicular Homicide, by disregard for
15 the safety of others (RCW
16 46.61.520)
17 VI Bail Jumping with Murder 1 (RCW
18 9A.76.170(3)(a))
19 Bribery (RCW 9A.68.010)
20 Incest 1 (RCW 9A.64.020(1))
21 Intimidating a Judge (RCW 9A.72.160)
22 Intimidating a Juror/Witness (RCW
23 9A.72.110, 9A.72.130)
24 Malicious placement of an imitation
25 device 2 (RCW 70.74.272(1)(b))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.070(1))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Unlawful Storage of Ammonia (RCW
32 69.55.020)
33 V Abandonment of Dependent Person 2
34 (RCW 9A.42.070)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW
5 46.37.660(2)(c))

6 Air bag replacement requirements
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Manufacture or import counterfeit,
12 nonfunctional, damaged, or
13 previously deployed air bag (RCW
14 46.37.650(1)(c))

15 Sale, install, reinstall counterfeit,
16 nonfunctional, damaged, or
17 previously deployed airbag (RCW
18 46.37.650(2)(c))

19 Criminal Mistreatment 2 (RCW
20 9A.42.030)

21 Custodial Sexual Misconduct 1 (RCW
22 9A.44.160)

23 Dealing in Depictions of Minor
24 Engaged in Sexually Explicit
25 Conduct 2 (RCW 9.68A.050(2))

26 Domestic Violence Court Order
27 Violation (RCW 10.99.040,
28 10.99.050, 26.09.300, 26.10.220,
29 26.26.138, 26.50.110, 26.52.070, or
30 74.34.145)

31 Driving While Under the Influence
32 (RCW 46.61.502(6))

33 Extortion 1 (RCW 9A.56.120)

34 Extortionate Extension of Credit (RCW
35 9A.82.020)

1 Extortionate Means to Collect
2 Extensions of Credit (RCW
3 9A.82.040)
4 Incest 2 (RCW 9A.64.020(2))
5 Kidnapping 2 (RCW 9A.40.030)
6 Perjury 1 (RCW 9A.72.020)
7 Persistent prison misbehavior (RCW
8 9.94.070)
9 Physical Control of a Vehicle While
10 Under the Influence (RCW
11 46.61.504(6))
12 Possession of a Stolen Firearm (RCW
13 9A.56.310)
14 Rape 3 (RCW 9A.44.060)
15 Rendering Criminal Assistance 1 (RCW
16 9A.76.070)
17 Sending, Bringing into State Depictions
18 of Minor Engaged in Sexually
19 Explicit Conduct 2 (RCW
20 9.68A.060(2))
21 Sexual Misconduct with a Minor 1
22 (RCW 9A.44.093)
23 Sexually Violating Human Remains
24 (RCW 9A.44.105)
25 Stalking (RCW 9A.46.110)
26 Taking Motor Vehicle Without
27 Permission 1 (RCW 9A.56.070)
28 IV Arson 2 (RCW 9A.48.030)
29 Assault 2 (RCW 9A.36.021)
30 Assault 3 (of a Peace Officer with a
31 Projectile Stun Gun) (RCW
32 9A.36.031(1)(h))
33 Assault by Watercraft (RCW
34 79A.60.060)

1 Bribing a Witness/Bribe Received by
2 Witness (RCW 9A.72.090,
3 9A.72.100)
4 Cheating 1 (RCW 9A.46.1961)
5 Commercial Bribery (RCW 9A.68.060)
6 Counterfeiting (RCW 9.16.035(4))
7 Endangerment with a Controlled
8 Substance (RCW 9A.42.100)
9 Escape 1 (RCW 9A.76.110)
10 Hit and Run—Injury (RCW
11 46.52.020(4)(b))
12 Hit and Run with Vessel—Injury
13 Accident (RCW 79A.60.200(3))
14 Identity Theft 1 (RCW 9.35.020(2))
15 Indecent Exposure to Person Under Age
16 Fourteen (subsequent sex offense)
17 (RCW 9A.88.010)
18 Influencing Outcome of Sporting Event
19 (RCW 9A.82.070)
20 Malicious Harassment (RCW
21 9A.36.080)
22 Possession of Depictions of a Minor
23 Engaged in Sexually Explicit
24 Conduct 2 (RCW 9.68A.070(2))
25 Residential Burglary (RCW 9A.52.025)
26 Robbery 2 (RCW 9A.56.210)
27 Theft of Livestock 1 (RCW 9A.56.080)
28 Threats to Bomb (RCW 9.61.160)
29 Trafficking in Stolen Property 1 (RCW
30 9A.82.050)
31 Unlawful factoring of a credit card or
32 payment card transaction (RCW
33 9A.56.290(4)(b))

1 Unlawful transaction of health coverage
2 as a health care service contractor
3 (RCW 48.44.016(3))
4 Unlawful transaction of health coverage
5 as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicle Prowling 2 (third or subsequent
15 offense) (RCW 9A.52.100(3))
16 Vehicular Assault, by being under the
17 influence of intoxicating liquor or
18 any drug, or by the operation or
19 driving of a vehicle in a reckless
20 manner (RCW 46.61.522)
21 Viewing of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 1 (RCW 9.68A.075(1))
24 Willful Failure to Return from Furlough
25 (RCW 72.66.060)
26 III Animal Cruelty 1 (Sexual Conduct or
27 Contact) (RCW 16.52.205(3))
28 Assault 3 (Except Assault 3 of a Peace
29 Officer With a Projectile Stun Gun)
30 (RCW 9A.36.031 except subsection
31 (1)(h))
32 Assault of a Child 3 (RCW 9A.36.140)
33 Bail Jumping with class B or C Felony
34 (RCW 9A.76.170(3)(c))
35 Burglary 2 (RCW 9A.52.030)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Custodial Assault (RCW 9A.36.100)
7 Cyberstalking (subsequent conviction or
8 threat of death) (RCW 9.61.260(3))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 Harassment (RCW 9A.46.020)
12 Intimidating a Public Servant (RCW
13 9A.76.180)
14 Introducing Contraband 2 (RCW
15 9A.76.150)
16 Malicious Injury to Railroad Property
17 (RCW 81.60.070)
18 Mortgage Fraud (RCW 19.144.080)
19 Negligently Causing Substantial Bodily
20 Harm By Use of a Signal
21 Preemption Device (RCW
22 46.37.674)
23 Organized Retail Theft 1 (RCW
24 9A.56.350(2))
25 Perjury 2 (RCW 9A.72.030)
26 Possession of Incendiary Device (RCW
27 9.40.120)
28 Possession of Machine Gun or Short-
29 Barreled Shotgun or Rifle (RCW
30 9.41.190)
31 Promoting Prostitution 2 (RCW
32 9A.88.080)
33 Retail Theft with Special Circumstances
34 1 (RCW 9A.56.360(2))

1 Securities Act violation (RCW
2 21.20.400)
3 Tampering with a Witness (RCW
4 9A.72.120)
5 Telephone Harassment (subsequent
6 conviction or threat of death) (RCW
7 9.61.230(2))
8 Theft of Livestock 2 (RCW 9A.56.083)
9 Theft with the Intent to Resell 1 (RCW
10 9A.56.340(2))
11 Trafficking in Stolen Property 2 (RCW
12 9A.82.055)
13 Unlawful Hunting of Big Game 1 (RCW
14 77.15.410(3)(b))
15 Unlawful Imprisonment (RCW
16 9A.40.040)
17 Unlawful Misbranding of Food Fish or
18 Shellfish 1 (RCW 69.04.938(3))
19 Unlawful possession of firearm in the
20 second degree (RCW 9.41.040(2))
21 Unlawful Taking of Endangered Fish or
22 Wildlife 1 (RCW 77.15.120(3)(b))
23 Unlawful Trafficking in Fish, Shellfish,
24 or Wildlife 1 (RCW
25 77.15.260(3)(b))
26 Unlawful Use of a Nondesignated
27 Vessel (RCW 77.15.530(4))
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work
33 Release (RCW 72.65.070)
34 II Commercial Fishing Without a License
35 1 (RCW 77.15.500(3)(b))
36 Computer Trespass 1 (RCW 9A.52.110)

1 Counterfeiting (RCW 9.16.035(3))
2 Engaging in Fish Dealing Activity
3 Unlicensed 1 (RCW 77.15.620(3))
4 Escape from Community Custody
5 (RCW 72.09.310)
6 Failure to Register as a Sex Offender
7 (second or subsequent offense)
8 (RCW 9A.44.130 prior to June 10,
9 2010, and RCW 9A.44.132)
10 Health Care False Claims (RCW
11 48.80.030)
12 Identity Theft 2 (RCW 9.35.020(3))
13 Improperly Obtaining Financial
14 Information (RCW 9.35.010)
15 Malicious Mischief 1 (RCW 9A.48.070)
16 Organized Retail Theft 2 (RCW
17 9A.56.350(3))
18 Possession of Stolen Property 1 (RCW
19 9A.56.150)
20 Possession of a Stolen Vehicle (RCW
21 9A.56.068)
22 Retail Theft with Special Circumstances
23 2 (RCW 9A.56.360(3))
24 Scrap Processing, Recycling, or
25 Supplying Without a License
26 (second or subsequent offense)
27 (RCW 19.290.100)
28 Theft 1 (RCW 9A.56.030)
29 Theft of a Motor Vehicle (RCW
30 9A.56.065)
31 Theft of Rental, Leased, or Lease-
32 purchased Property (valued at one
33 thousand five hundred dollars or
34 more) (RCW 9A.56.096(5)(a))
35 Theft with the Intent to Resell 2 (RCW
36 9A.56.340(3))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful factoring of a credit card or
4 payment card transaction (RCW
5 9A.56.290(4)(a))
6 Unlawful Participation of Non-Indians
7 in Indian Fishery (RCW
8 77.15.570(2))
9 Unlawful Practice of Law (RCW
10 2.48.180)
11 Unlawful Purchase or Use of a License
12 (RCW 77.15.650(3)(b))
13 Unlawful Trafficking in Fish, Shellfish,
14 or Wildlife 2 (RCW
15 77.15.260(3)(a))
16 Unlicensed Practice of a Profession or
17 Business (RCW 18.130.190(7))
18 Voyeurism (RCW 9A.44.115)
19 I Attempting to Elude a Pursuing Police
20 Vehicle (RCW 46.61.024)
21 False Verification for Welfare (RCW
22 74.08.055)
23 Forgery (RCW 9A.60.020)
24 Fraudulent Creation or Revocation of a
25 Mental Health Advance Directive
26 (RCW 9A.60.060)
27 Malicious Mischief 2 (RCW 9A.48.080)
28 Mineral Trespass (RCW 78.44.330)
29 Possession of Stolen Property 2 (RCW
30 9A.56.160)
31 Reckless Burning 1 (RCW 9A.48.040)
32 Spotlighting Big Game 1 (RCW
33 77.15.450(3)(b))
34 Suspension of Department Privileges 1
35 (RCW 77.15.670(3)(b))

1 Taking Motor Vehicle Without
2 Permission 2 (RCW 9A.56.075)
3 Theft 2 (RCW 9A.56.040)
4 Theft of Rental, Leased, or Lease-
5 purchased Property (valued at two
6 hundred fifty dollars or more but
7 less than one thousand five hundred
8 dollars) (RCW 9A.56.096(5)(b))
9 Transaction of insurance business
10 beyond the scope of licensure
11 (RCW 48.17.063)
12 Unlawful Fish and Shellfish Catch
13 Accounting (RCW 77.15.630(3)(b))
14 Unlawful Issuance of Checks or Drafts
15 (RCW 9A.56.060)
16 Unlawful Possession of Fictitious
17 Identification (RCW 9A.56.320)
18 Unlawful Possession of Instruments of
19 Financial Fraud (RCW 9A.56.320)
20 Unlawful Possession of Payment
21 Instruments (RCW 9A.56.320)
22 Unlawful Possession of a Personal
23 Identification Device (RCW
24 9A.56.320)
25 Unlawful Production of Payment
26 Instruments (RCW 9A.56.320)
27 Unlawful Releasing, Planting,
28 Possessing, or Placing Deleterious
29 Exotic Wildlife (RCW
30 77.15.250(2)(b))
31 Unlawful Trafficking in Food Stamps
32 (RCW 9.91.142)
33 Unlawful Use of Food Stamps (RCW
34 9.91.144)
35 Unlawful Use of Net to Take Fish 1
36 (RCW 77.15.580(3)(b))

1 Unlawful Use of Prohibited Aquatic
2 Animal Species (RCW
3 77.15.253(3))
4 Vehicle Prowl 1 (RCW 9A.52.095)
5 Violating Commercial Fishing Area or
6 Time 1 (RCW 77.15.550(3)(b))

7 NEW SECTION. **Sec. 6.** The legislature finds that the practices
8 covered by this act are matters vitally affecting the public interest
9 for the purpose of applying the consumer protection act, chapter
10 19.86 RCW. A violation of this act is not reasonable in relation to
11 the development and preservation of business and is an unfair or
12 deceptive act in trade or commerce and an unfair method of
13 competition for the purpose of applying the consumer protection act,
14 chapter 19.86 RCW.

15 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2016, in the supplemental omnibus operating
18 appropriations act, this act is null and void.

Passed by the Senate March 8, 2016.
Passed by the House March 3, 2016.
Approved by the Governor April 1, 2016.
Filed in Office of Secretary of State April 4, 2016.