H-2356.2

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**SUBSTITUTE HOUSE BILL 1815**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Ryu, Boehnke, J. Johnson, Berry, Fitzgibbon, Orwall, Shewmake, Leavitt, Chase, Sells, Gregerson, Bateman, Fey, Goodman, Robertson, Macri, Ramos, Santos, Wylie, Simmons, Slatter, Bergquist, Tharinger, Valdez, Thai, Wicks, Pollet, Graham, Young, and Frame)

AN ACT Relating to deterring catalytic converter theft; amending RCW 19.290.020; creating new sections; and providing expiration dates.

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

NEW SECTION. **Sec.**  The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters. The legislature further finds that victims of catalytic converter theft often incur costs that far exceed the monetary value of the catalytic converters themselves. The legislature further finds that catalytic converter theft is a multifaceted issue that requires collaborative effort between law enforcement agencies, insurance companies, scrap metal dealers, and other involved parties to identify comprehensive solutions.

Therefore, the legislature intends to establish a pilot project to mark catalytic converters with unique, permanent identifiers, thereby enabling law enforcement agencies, insurance companies, and scrap metal dealers to more effectively track the ownership of catalytic converters and identify stolen property. The legislature further intends to gather and utilize data from the pilot project to inform additional efforts to address catalytic converter theft in Washington state. The legislature further intends to establish a task force with the goal of developing effective tools and methods for deterring catalytic converter theft, identifying and recovering stolen catalytic converters, and lowering costs to victims of catalytic converter theft.

NEW SECTION. **Sec.**  (1) Subject to the availability of the amounts appropriated for this specific purpose, the Washington state patrol shall establish the catalytic converter tracking pilot project. The purpose of the pilot project is to deter the theft of catalytic converters by marking them with vehicle identification numbers or other unique identifiers.

(2) The Washington state patrol shall administer the pilot project as provided in this subsection.

(a) The Washington state patrol shall collaborate with law enforcement agencies, insurance companies, and scrap metal dealers to identify vehicles that are most frequently targeted for catalytic converter theft and establish the most effective methods for marking catalytic converters.

(b) The Washington state patrol shall establish a procedure to mark the catalytic converters of vehicles most likely to be targeted for theft with unique identification numbers using labels, engraving, theft deterrence paint, or other methods that permanently mark the catalytic converter without damaging its function.

(3) Materials purchased under this pilot project may be distributed to dealers, automobile repair shops and service centers, law enforcement agencies, and community organizations to arrange for the marking of the catalytic converters of vehicles most likely to be targeted for theft at no cost to the vehicle owners. The Washington state patrol may prioritize distribution of materials to areas of Washington state experiencing the highest rates of catalytic converter theft.

(4) The Washington state patrol shall make any educational information resulting from the pilot project available to law enforcement agencies and scrap metal dealers and is encouraged to publicize the pilot project to the general public.

(5) The Washington state patrol shall provide a report on the pilot project to the governor and appropriate committees of the legislature by October 1, 2023. The report must describe the progress, results, and any findings of the pilot project, including the total number of catalytic converters marked under the pilot project, and, to the extent known, whether any catalytic converters marked under the pilot project were stolen and the outcome of any criminal investigation into the thefts.

(6) This section expires November 1, 2023.

NEW SECTION. **Sec.**  (1) The Washington state catalytic converter theft task force is established.

(2) The task force is comprised of members as provided in this subsection.

(a) The president of the senate shall appoint one member to the task force from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member to the task force from each of the two largest caucuses in the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint the following members:

(i) One member representing the Washington state patrol;

(ii) One member representing the Washington association of sheriffs and police chiefs;

(iii) One member representing the Washington association of prosecuting attorneys;

(iv) One member representing the office of public defense;

(v) One member representing the superior court judges' association;

(vi) One member representing the district and municipal court judges' association;

(vii) One member representing the association of Washington cities;

(viii) One member representing the office of the attorney general;

(ix) One member representing the property and casualty insurance industry;

(x) One member representing the scrap metal recycling industry;

(xi) One member representing the auto dealer industry;

(xii) One member representing the towing and recovery association of Washington;

(xiii) One member representing the Washington state independent
auto dealers association;

(xiv) One member representing the Washington independent business association;

(xv) One member representing the Washington organized retail crime association; and

(xvi) Two members representing individuals with lived experience being charged with, or convicted of, organized theft.

(3) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2022.

(4) The membership of the task force shall choose the task force's cochairs, which must include one legislator and one nonlegislative member.

(5) The task force shall review state laws related to theft of catalytic converters. The task force shall develop recommendations for the purpose of:

(a) Deterring the occurrence of catalytic converter theft;

(b) Developing tools to identify and recover stolen catalytic converters; and

(c) Lowering costs to victims of catalytic converter theft.

(6) The task force may develop recommendations related to:

(a) Maintenance and accessibility of law enforcement records related to transactions involving catalytic converters; and

(b) Traceability of payments related to transactions involving catalytic converters.

(7) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by November 1, 2022.

(8) The Washington state patrol shall administer and provide staff support and facilitation services to the task force. The Washington state patrol may, when deemed necessary by the task force, contract with one or more appropriate consultants to provide data analysis, research, and other services to the task force for the purposes provided in subsections (5) and (6) of this section.

(9) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(10) This section expires February 1, 2023.

**Sec.**  RCW 19.290.020 and 2013 c 322 s 5 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; ((~~and~~))

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume; and

(i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

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