

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1815

Chapter 221, Laws of 2022

67th Legislature
2022 Regular Session

CATALYTIC CONVERTER THEFT

EFFECTIVE DATE: March 30, 2022—Except for section 4, which takes effect May 1, 2022; and sections 5 through 7, which take effect July 1, 2022.

Passed by the House March 8, 2022
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2022
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved March 30, 2022 2:39 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1815** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 31, 2022

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1815

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By House Transportation (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)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to deterring catalytic converter theft; amending
2 RCW 19.290.020, 19.290.030, 19.290.070, 46.80.080, 36.28A.240, and
3 43.43.885; adding a new section to chapter 46.80 RCW; adding a new
4 section to chapter 9A.56 RCW; creating new sections; recodifying RCW
5 19.290.070; prescribing penalties; providing effective dates; and
6 declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that rates of
9 catalytic converter theft have rapidly increased statewide and
10 nationwide, due in part to existing challenges with accurately
11 identifying stolen catalytic converters. The legislature further
12 finds that victims of catalytic converter theft often incur costs
13 that far exceed the monetary value of the catalytic converters
14 themselves. The legislature further finds that catalytic converter
15 theft is a multifaceted issue that requires collaborative effort
16 between law enforcement agencies, insurance companies, scrap metal
17 dealers, and other involved parties to identify comprehensive
18 solutions.

19 Therefore, the legislature intends to carefully examine the
20 catalytic converter theft issues in Washington state and conduct a
21 study to make a variety of recommendations to the legislature,

1 including recommendations for a potential pilot program, to reduce
2 the occurrence of catalytic converter theft. The legislature further
3 intends to provide funding for a grant program focused on metal theft
4 and unlawfully obtained metal.

5 NEW SECTION. **Sec. 2.** (1) The Washington State University shall
6 convene a catalytic converter theft work group to study and provide
7 options and recommendations related to reducing catalytic converter
8 theft in Washington state.

9 (2) The work group shall consist of, but is not limited to,
10 members representing the following:

11 (a) One member representing the Washington state patrol;

12 (b) One member representing the Washington association of
13 sheriffs and police chiefs;

14 (c) One member representing the Washington association of
15 prosecuting attorneys;

16 (d) One member representing the office of public defense;

17 (e) One member representing the superior court judges'
18 association;

19 (f) One member representing the district and municipal court
20 judges' association;

21 (g) One member representing the association of Washington cities;

22 (h) One member representing the office of the attorney general;

23 (i) One member representing the property and casualty insurance
24 industry;

25 (j) One member representing the scrap metal recycling industry;

26 (k) One member representing the auto dealer industry;

27 (l) One member representing the auto manufacturer industry;

28 (m) One member representing the catalytic converter manufacturer
29 industry;

30 (n) One member representing the towing and recovery association
31 of Washington;

32 (o) One member representing the Washington state independent auto
33 dealers association;

34 (p) One member representing the Washington independent business
35 association;

36 (q) One member representing the Washington organized retail crime
37 association; and

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

1 (3) The work group's study shall include, but is not limited to,
2 the following:

3 (a) A review of state laws related to catalytic converter theft;

4 (b) A review of national efforts to address catalytic converter
5 theft to determine whether there are best practices from other
6 jurisdictions on how to effectively deter and end catalytic converter
7 theft;

8 (c) Data collection and analysis of catalytic converter theft
9 incidents across the state;

10 (d) Options to deter and end catalytic converter theft, including
11 marking of catalytic converters;

12 (e) Options and opportunities to reduce costs to victims of
13 catalytic converter theft; and

14 (f) A review of the effectiveness of the grant and training
15 program created under RCW 36.28A.240.

16 (4) The work group's recommendations shall include, but are not
17 limited to, the following:

18 (a) Changes to state law to reduce catalytic converter theft;

19 (b) A potential pilot program that could be implemented to
20 decrease catalytic converter theft, including by prioritizing
21 communities with the highest incidence of catalytic converter theft
22 or communities experiencing the most financial impact due to
23 catalytic converter theft; and

24 (c) Cost estimates for the pilot program and recommendations on
25 evaluation criteria and metrics to determine the efficacy and
26 benefits of the pilot program.

27 (5) The work group shall provide a preliminary report and
28 recommendations to the transportation and public safety committees of
29 the legislature by November 1, 2022. The work group shall provide a
30 final report and recommendations, including recommendations on a
31 potential pilot program, to the transportation and public safety
32 committees of the legislature by January 1, 2023.

33 **Sec. 3.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to
34 read as follows:

35 (1) At the time of a transaction, every scrap metal business
36 doing business in this state shall produce wherever that business is
37 conducted an accurate and legible record of each transaction
38 involving private metal property or nonferrous metal property. This
39 record must be written in the English language, documented on a

1 standardized form or in electronic form, and contain the following
2 information:

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

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

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

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

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

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

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

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

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

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

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

38 The declaration must be signed and dated by the person with whom
39 the transaction is being made. An employee of the scrap metal
40 business must witness the signing and dating of the declaration and

1 sign the declaration accordingly before any transaction may be
2 consummated.

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

10 **Sec. 4.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to
11 read as follows:

12 (1) No scrap metal business may enter into a transaction to
13 purchase or receive private metal property or nonferrous metal
14 property from any person who cannot produce at least one piece of
15 current government-issued picture identification, including a valid
16 driver's license or identification card issued by any state.

17 (2) No scrap metal business may purchase or receive private metal
18 property or commercial metal property unless the seller: (a) Has a
19 commercial account with the scrap metal business; (b) can prove
20 ownership of the property by producing written documentation that the
21 seller is the owner of the property; or (c) can produce written
22 documentation that the seller is an employee or agent authorized to
23 sell the property on behalf of a commercial enterprise.

24 (3) No scrap metal business may enter into a transaction to
25 purchase or receive metallic wire that was burned in whole or in part
26 to remove insulation unless the seller can produce written proof to
27 the scrap metal business that the wire was lawfully burned.

28 (4)(a) No transaction involving private metal property or
29 nonferrous metal property may be made in cash or with any person who
30 does not provide a street address and photographic identification
31 under the requirements of RCW 19.290.020(1) (d) and (g) except as
32 described in (b) and (c) of this subsection. The person with whom the
33 transaction is being made may only be paid by a nontransferable
34 check, mailed by the scrap metal business to a street address
35 provided under RCW 19.290.020, no earlier than three days after the
36 transaction was made. A transaction occurs on the date provided in
37 the record required under RCW 19.290.020.

38 (b) A scrap metal business that is in compliance with this
39 chapter (~~that~~) may pay up to a maximum of \$30 in cash, stored value

1 device, or electronic funds transfer for nonferrous metal property.
2 The balance of the value of the transaction may be made by
3 nontransferable check, stored value device, or electronic funds
4 transfer at the time the transaction is made if the scrap metal
5 business digitally captures:

6 (i) A copy of one piece of current government-issued picture
7 identification, including a current driver's license or
8 identification card issued by any state; and

9 (ii) ~~((either))~~ Either a picture or video of either the material
10 subject to the transaction in the form received or the material
11 subject to the transaction within the vehicle which the material was
12 transported to the scrap metal business ~~((, may pay up to a maximum of~~
13 ~~thirty dollars in cash, stored value device, or electronic funds~~
14 ~~transfer. The balance of the value of the transaction may be made by~~
15 ~~nontransferable check, stored value device, or electronic funds~~
16 ~~transfer at the time the transaction is made. A scrap metal~~
17 ~~business's usage of video surveillance shall be sufficient to comply~~
18 ~~with this subsection (4)(b)(ii) as long as the video captures the~~
19 ~~material subject to the transaction. A digital image or picture taken~~
20 ~~under this subsection must be available for two years from the date~~
21 ~~of transaction, while a video recording must be available for thirty~~
22 ~~days)).~~

23 (c) Payment to individual sellers of private metal property as
24 defined in this chapter may not be made at the time of the
25 transaction and shall not be paid earlier than three business days
26 after the transaction was made. Records of payment for private metal
27 property as defined in this chapter must be kept in the same file or
28 record as all records collected under this subsection and retained
29 and be available for review for two years from the date of the
30 transaction.

31 (5)(a) A scrap metal business's usage of video surveillance shall
32 be sufficient to comply with subsection (4)(b)(ii) of this section so
33 long as the video captures the material subject to the transaction.

34 (b) A digital image or picture taken under this section must be
35 available for two years from the date of transaction, while a video
36 recording must be available for 30 days.

37 (6) No scrap metal business may purchase or receive beer kegs
38 from anyone except a manufacturer of beer kegs or licensed brewery.

1 **Sec. 5.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to
2 read as follows:

3 (1) It is a gross misdemeanor under chapter 9A.20 RCW for:

4 ~~((1))~~ (a) Any person to deliberately remove, alter, or
5 obliterate any manufacturer's make, model, or serial number, personal
6 identification number, or identifying marks engraved or etched upon
7 an item of private metal property, nonferrous metal property, or
8 commercial metal property in order to deceive a scrap metal business;

9 ~~((2))~~ (b) Any scrap metal business to enter into a transaction
10 to purchase or receive any private metal property, nonferrous metal
11 property, or commercial metal property where the manufacturer's make,
12 model, or serial number, personal identification number, or
13 identifying marks engraved or etched upon the property have been
14 deliberately and conspicuously removed, altered, or obliterated;

15 ~~((3))~~ (c) Any person to knowingly make, cause, or allow to be
16 made any false entry or misstatement of any material matter in any
17 book, record, or writing required to be kept under this chapter;

18 ~~((4))~~ (d) Any scrap metal business to enter into a transaction
19 to purchase or receive private metal property, nonferrous metal
20 property, or commercial metal property from any person under the age
21 of ~~((eighteen))~~ 18 years or any person who is discernibly under the
22 influence of intoxicating liquor or drugs;

23 ~~((5))~~ (e) Any scrap metal business to enter into a transaction
24 to purchase or receive private metal property, nonferrous metal
25 property, or commercial metal property with anyone whom the scrap
26 metal business has been informed by a law enforcement agency to have
27 been convicted of a crime involving drugs, burglary, robbery, theft,
28 or possession of or receiving stolen property, manufacturing,
29 delivering, or possessing with intent to deliver methamphetamine, or
30 possession of ephedrine or any of its salts or isomers or salts of
31 isomers, pseudoephedrine or any of its salts or isomers or salts of
32 isomers, or anhydrous ammonia with intent to manufacture
33 methamphetamine within the past four years whether the person is
34 acting in his or her own behalf or as the agent of another;

35 ~~((6))~~ (f) Any person to sign the declaration required under RCW
36 19.290.020 knowing that the private metal property or nonferrous
37 metal property subject to the transaction is stolen. The signature of
38 a person on the declaration required under RCW 19.290.020 constitutes
39 evidence of intent to defraud a scrap metal business if that person

1 is found to have known that the private metal property or nonferrous
2 metal property subject to the transaction was stolen;

3 ~~((7))~~ (g) Any scrap metal business to possess private metal
4 property or commercial metal property that was not lawfully purchased
5 or received under the requirements of this chapter;

6 ~~((8))~~ (h) Any scrap metal business to engage in a series of
7 transactions valued at less than ~~((thirty dollars))~~ \$30 with the same
8 seller for the purposes of avoiding the requirements of RCW
9 19.290.030(4); or

10 ~~((9))~~ (i) Any person to knowingly make a false or fictitious
11 oral or written statement or to furnish or exhibit any false,
12 fictitious, or misrepresented identification, with the intent to
13 deceive a scrap metal business as to the actual seller of the scrap
14 metal.

15 (2) Notwithstanding any fines imposed as part of the sentence
16 under this section, each offense is punishable by a \$1,000 fine per
17 catalytic converter, 10 percent of which shall be directed to the no-
18 buy list database program in RCW 43.43.885, and the remainder shall
19 be directed to the Washington association of sheriffs and police
20 chiefs solely for grants issued under RCW 36.28A.240.

21 (3)(a) Facilitating the offer of used catalytic converters for
22 sale without first verifying proof of ownership of the catalytic
23 converter, or failing to retain verified records of ownership of used
24 catalytic converters offered for sale for at least two years, is an
25 unfair or deceptive act or practice or unfair method of competition
26 in the conduct of trade or commerce for purposes of the consumer
27 protection act, chapter 19.86 RCW.

28 (b) All damages awarded to the state of Washington under chapter
29 19.86 RCW shall be distributed as follows:

30 (i) Ninety percent to the grant and training program in RCW
31 36.28A.240; and

32 (ii) Ten percent to the no-buy list database program in RCW
33 43.43.885.

34 NEW SECTION. Sec. 6. A new section is added to chapter 46.80
35 RCW to read as follows:

36 Payment to individual sellers of private metal property as
37 defined in RCW 19.290.010 may not be made at the time of the
38 transaction and shall not be paid earlier than three business days
39 after the transaction was made.

1 No transaction involving catalytic converters may be made in cash
2 or with any person who does not provide a street address and
3 photographic identification. The person with whom the transaction is
4 being made may only be paid by a nontransferable check, mailed by the
5 licensed auto wrecker to a street address recorded according to RCW
6 46.80.080, no earlier than three days after the transaction was made.
7 A transaction occurs on the date provided in the record required
8 under RCW 46.80.080.

9 **Sec. 7.** RCW 46.80.080 and 1999 c 278 s 2 are each amended to
10 read as follows:

11 (1) Every vehicle wrecker shall maintain books or files in which
12 the wrecker shall keep a record and a description of:

13 (a) Every vehicle wrecked, dismantled, disassembled, or
14 substantially altered by the wrecker; and

15 (b) Every major component part, including catalytic converters,
16 acquired by the wrecker; together with a bill of sale signed by a
17 seller whose identity has been verified and the name and address of
18 the person, firm, or corporation from whom the wrecker purchased the
19 vehicle or part. Major component parts other than cores shall be
20 further identified by the vehicle identification number of the
21 vehicle from which the part came.

22 (2) The record shall also contain the following data regarding
23 the wrecked or acquired vehicle or vehicle that is the source of a
24 major component part, including catalytic converters, other than a
25 core:

26 (a) The certificate of title number (if previously titled in this
27 or any other state);

28 (b) Name of state where last registered;

29 (c) Number of the last license number plate issued;

30 (d) Name of vehicle;

31 (e) Motor or identification number and serial number of the
32 vehicle;

33 (f) Date purchased;

34 (g) Disposition of the motor and chassis;

35 (h) Yard number assigned by the licensee to the vehicle or major
36 component part, which shall also appear on the identified vehicle or
37 part; and

38 (i) Such other information as the department may require.

1 (3) The records shall also contain a bill of sale signed by the
2 seller for other minor component parts, including catalytic
3 converters, acquired by the licensee, identifying the seller by name,
4 address, and date of sale.

5 (4) The records shall be maintained by the licensee at his or her
6 established place of business for a period of three years from the
7 date of acquisition.

8 (5) The record is subject to inspection at all times during
9 regular business hours by members of the police department, sheriff's
10 office, members of the Washington state patrol, or officers or
11 employees of the department.

12 (6) A vehicle wrecker shall also maintain a similar record of all
13 disabled vehicles that have been towed or transported to the vehicle
14 wrecker's place of business or to other places designated by the
15 owner of the vehicle or his or her representative. This record shall
16 specify the name and description of the vehicle, name of owner,
17 number of license plate, condition of the vehicle and place to which
18 it was towed or transported.

19 (7) Failure to comply with this section is a gross misdemeanor.

20 **Sec. 8.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to
21 read as follows:

22 (1) (~~When funded~~) To the extent funds are appropriated, the
23 Washington association of sheriffs and police chiefs shall
24 (~~establish~~) develop a comprehensive state law enforcement strategy
25 targeting metal theft in consultation with the criminal justice
26 training commission, including:

27 (a) Development of best practices for targeting illegal
28 purchasers and sellers involved in metal theft, with specific
29 enforcement focus on catalytic converter theft;

30 (b) Strategies for development and maintenance of relationships
31 between local law enforcement agencies and licensed scrap metal
32 recyclers, including recommendations for scheduled or regular
33 interactions, with a focus on deterring unlawful purchases and
34 identifying individuals suspected of involvement in unlawful metal
35 theft and individuals who attempt to conduct a transaction while
36 under the influence of controlled substances; and

37 (c) Establishment of a grant and training program to assist local
38 law enforcement agencies in the support of special enforcement
39 (~~emphasis~~) targeting metal theft. Grant applications shall be

1 reviewed (~~and awarded through peer review panels~~) by the Washington
2 association of sheriffs and police chiefs in consultation with other
3 appropriate entities, such as those involved in enforcement against
4 metal theft. Grant applicants with a demonstrated increase in metal
5 theft over the previous 24 months are encouraged to (~~utilize~~
6 ~~multijurisdictional efforts~~) focus solely on metal theft and
7 unlawful purchasing and selling of unlawfully obtained metal in their
8 jurisdiction, but may coordinate with other jurisdictions.

9 (2) Each grant applicant shall:

10 (a) Show a significant metal theft problem in the jurisdiction or
11 jurisdictions receiving the grant;

12 (~~Verify that grant awards are sufficient to cover increased~~
13 ~~investigation, prosecution, and jail costs;~~

14 (~~Design~~) Propose an enforcement program that best suits the
15 specific metal theft problem in the jurisdiction (~~or jurisdictions~~
16 ~~receiving the grant~~), including the number of enforcement stings to
17 be conducted under the program;

18 (~~d~~) (c) Demonstrate community coordination focusing on
19 prevention, intervention, and suppression; and

20 (~~e~~) (d) Collect data on performance, including the number of
21 enforcement stings to be conducted.

22 (3) (~~The cost of administering the grants shall not exceed sixty~~
23 ~~thousand dollars, or three percent of appropriated funding, whichever~~
24 ~~is greater.~~

25 (~~4~~) Grant awards may not be used to supplant preexisting
26 funding sources for special enforcement targeting metal theft.

27 **Sec. 9.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to
28 read as follows:

29 (1) Beginning on July 1, 2014, (~~when funded~~) to the extent
30 funds are appropriated, the Washington association of sheriffs and
31 police chiefs shall implement and operate an ongoing electronic
32 statewide no-buy list database program.

33 (2) The database must be made available on a secured network or
34 website.

35 (3) The no-buy list database program shall allow for any scrap
36 metal business to enter a customer's name and date of birth into the
37 database. The database must determine if the customer pursuing the
38 transaction with the scrap metal business has been convicted in
39 Washington of any crime involving burglary, robbery, theft, or

1 possession of or receiving stolen property within the past four
2 years.

3 (4) If the customer has been convicted of any crime involving
4 burglary, robbery, theft, or possession of or receiving stolen
5 property within the past four years despite whether the person was
6 acting in his or her own behalf or as the agent of another then, at a
7 minimum, the no-buy list database program must immediately send an
8 alert to the scrap metal business stating: (a) That the customer is
9 listed on a current no-buy list, (b) the four-year expiration period
10 for the customer's most recent crime listed, and (c) a notification
11 that entering into a transaction with the customer is prohibited
12 under RCW 19.290.070 (as recodified by this act).

13 (5) The database shall also include individuals who have
14 attempted to purchase or sell unlawfully obtained metals at licensed
15 scrap metal recyclers and individuals who attempt to conduct a
16 transaction while under the influence of controlled substances.

17 (6) Local jurisdictions applying for grants under RCW 36.28A.240
18 must provide updates to the no-buy list database annually and 120
19 days after a grant is distributed.

20 NEW SECTION. Sec. 10. RCW 19.290.070 is recodified as a section
21 in chapter 9A.56 RCW.

22 NEW SECTION. Sec. 11. Section 4 of this act is necessary for
23 the immediate preservation of the public peace, health, or safety, or
24 support of the state government and its existing public institutions,
25 and takes effect May 1, 2022.

26 NEW SECTION. Sec. 12. Except for sections 4 through 7 of this
27 act, this act is necessary for the immediate preservation of the
28 public peace, health, or safety, or support of the state government
29 and its existing public institutions, and takes effect immediately.

30 NEW SECTION. Sec. 13. Sections 5 through 7 of this act take
31 effect July 1, 2022.

Passed by the House March 8, 2022.
Passed by the Senate March 4, 2022.
Approved by the Governor March 30, 2022.
Filed in Office of Secretary of State March 31, 2022.

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