

# HOUSE BILL REPORT

## SSB 5542

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**As Passed House:**

April 6, 2023

**Title:** An act relating to preventing the destruction of electric vehicle supply equipment.

**Brief Description:** Preventing the destruction of electric vehicle supply equipment.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Wilson, J., Rolfes, Fortunato, Shewmake, Hunt, Wilson, C., Cleveland, Lovick, Valdez, Padden, Gildon, Braun, Lovelett, Nguyen, Salomon and Wilson, L.).

**Brief History:**

**Committee Activity:**

Consumer Protection & Business: 3/15/23, 3/22/23 [DP].

**Floor Activity:**

Passed House: 4/6/23, 96-0.

**Brief Summary of Substitute Bill**

- Expands the definition of commercial metal property to include components of electric vehicle supply equipment made available for commercial or public use.

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### HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

**Majority Report:** Do pass. Signed by 13 members: Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman, Cheney, Connors, Donaghy, Hackney, Ryu, Sandlin, Santos and Volz.

**Staff:** Michelle Rusk (786-7153).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Transactions Involving Commercial Metal Property.

Scrap metal businesses engaged in purchasing or receiving commercial metal property are subject to certain requirements, including specific recordkeeping duties, restrictions on transactions, and obligations to cooperate with law enforcement to assist in preserving evidence of stolen property.

A scrap metal business must document every purchase or receipt of commercial metal property. Documentation must be maintained for three years and include:

- the date, time, and value of the property purchased or received;
- a description of the predominant type of property purchased or received; and
- the signature of the person delivering the property to the scrap metal business.

Scrap metal businesses may only purchase or receive commercial metal property if the seller:

- has a commercial account with the scrap metal business;
- can prove ownership of the property through written documentation; or
- can prove through written documentation that the seller is an employee or authorized agent to sell the property on behalf of a commercial enterprise.

State law also requires scrap metal businesses to cooperate with law enforcement, including:

- producing transaction records upon request by a state law enforcement officer;
- reporting to law enforcement when a scrap metal business has good cause to believe any commercial metal property has been stolen; and
- following written notification from a law enforcement officer that an item of commercial metal property is reported as stolen, preserve that metal intact, safe from alteration, and identifiable.

State law defines "commercial metal property" as including utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone; commercial mobile radio services; cable, electric, water, natural gas, or other utility; a railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring; aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from 1-inch tubing, 42 inches high, with 4-inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

### **Summary of Bill:**

The definition of commercial metal property is expanded to include components of electric vehicle supply equipment made available for commercial or public use.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Many people have electric cars now and many more will get them in the future. By the year 2030 there will be millions of public charging stations, which are the lifeline of an electric car. When someone pulls up to an electric vehicle charger, the components of that charger must be there, otherwise drivers will be stranded. However, the electric vehicle charging equipment might not be there because there is value to it, as it is made up of aluminum and copper. There is an incentive for someone to take that 15- to 20-foot cord and sell it. We can get ahead of this curve by adding electric vehicle supply equipment to the definition of commercial metal property to make sure those who are licensed to engage in commercial metal transactions will be required to apply existing laws to transactions involving electric vehicle charging supply materials.

This policy tries to distinguish between materials the general public would have and items the general public would not be anticipated to have. Electric vehicle charging equipment is very clearly part of the existing commercial metal property definition. This policy is an appropriate way to keep honest people honest. We need to provide an opportunity for those legitimate businesses in this industry to interact with law enforcement to go after individuals who have committed a criminal offense.

(Opposed) None.

**Persons Testifying:** Senator Jeff Wilson, prime sponsor; and Brad Tower, Schnitzer Steel.

**Persons Signed In To Testify But Not Testifying:** None.