

**Title 63 RCW
PERSONAL PROPERTY**

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**Chapter 63.10 RCW
CONSUMER LEASES**

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RCW 63.10.010 Legislative declaration. The leasing of motor vehicles, furniture and fixtures, appliances, commercial equipment, and other personal property has become an important and widespread form of business transaction that is beneficial to the citizens and to the economy of the state. Users of personal property of all types and lessors throughout the state have relied upon the distinct nature of leasing as a modern means of transacting business that creates different relationships and legal consequences from those of lender and borrower in loan transactions and those of seller and buyer in installment sale transactions. The utility of lease transactions and the well-being of the state's economy and of the leasing industry require that leasing be a legally recognized and distinct form of transaction, creating legal relationships and having legal consequences different from loans or installment sales. [1983 c 158 s 1.]

RCW 63.10.020 Definitions. As used in this chapter, unless the context otherwise requires:

(1) The term "adjusted capitalized cost" means the agreed-upon amount that serves as the basis for determining the periodic lease payment, computed by subtracting from the gross capitalized cost any capitalized cost reduction.

(2) The term "gross capitalized cost" means the amount ascribed by the lessor to the vehicle including optional equipment, plus taxes, title, license fees, lease acquisition and administrative fees, insurance premiums, warranty charges, and any other product, service, or amount amortized in the lease. However, any definition of gross capitalized cost adopted by the federal reserve board to be used in the context of mandatory disclosure of the gross capitalized cost to lessees in consumer motor vehicle lease transactions supersedes the definition of gross capitalized cost in this subsection.

(3) The term "capitalized cost reduction" means any payment made by cash, check, or similar means, any manufacturer rebate, and net trade in allowance granted by the lessor at the inception of the lease for the purpose of reducing the gross capitalized cost but does not include any periodic lease payments due at the inception of the lease or all of the periodic lease payments if they are paid at the inception of the lease.

(4) The term "consumer lease" means a contract of lease or bailment for the use of personal property by a natural person for a period of time exceeding four months, and for a total contractual obligation not exceeding twenty-five thousand dollars, primarily for personal, family, or household purposes, whether or not the lessee has the option to purchase or otherwise become the owner of the property at the expiration of the lease, except that such term shall not include any lease which meets the definition of a retail installment contract under RCW 63.14.010 or the definition of a lease-purchase agreement under chapter 63.19 RCW. The twenty-five thousand dollar total contractual obligation in this subsection shall not apply to consumer leases of motor vehicles. The inclusion in a lease of a provision whereby the lessee's or lessor's liability, at the end of the lease period or upon an earlier termination, is based on the value of the leased property at that time, shall not be deemed to make the transaction other than a consumer lease. The term "consumer lease" does not include a lease for agricultural, business, or commercial purposes, or to a government or governmental agency or instrumentality, or to an organization.

(5) The term "lessee" means a natural person who leases or is offered a consumer lease.

(6) The term "lessor" means a person who is regularly engaged in leasing, offering to lease, or arranging to lease under a consumer lease. [1998 c 113 s 1; 1995 c 112 s 1; 1992 c 134 s 15; 1983 c 158 s 2.]

Short title—1992 c 134: See RCW 63.19.900.

RCW 63.10.030 Liability at expiration of lease—Residual value—Attorneys' fees—Lease terms. (1) Where the lessee's liability on expiration of a consumer lease is based on the estimated residual value of the property, such estimated residual value shall be a reasonable approximation of the anticipated actual fair market value of the property on lease expiration. There shall be a rebuttable presumption that the estimated residual value is unreasonable to the extent that the estimated residual value exceeds the actual residual value by more than three times the average payment allocable to a monthly period under the lease. In addition, where the lessee has such liability on expiration of a consumer lease there shall be a rebuttable presumption that the lessor's estimated residual value is not in good faith to the extent that the estimated residual value exceeds the actual residual value by more than three times the average payment allocable to a monthly period under the lease and such lessor shall not collect from the lessee the amount of such excess liability on expiration of a consumer lease unless the lessor brings a successful action with respect to such excess liability. In all actions, the lessor shall pay the lessee's reasonable attorneys' fees. The presumptions stated in this section shall not apply to the extent

the excess of estimated over actual residual value is due to physical damage to the property beyond reasonable wear and use, or to excessive use, and the lease may set standards for such wear and use if such standards are not unreasonable. Nothing in this subsection shall preclude the right of a willing lessee to make any mutually agreeable final adjustment with respect to such excess residual liability, provided such an agreement is reached after termination of the lease.

(2) Penalties or other charges for delinquency, default, or early termination may be specified in the lease but only at an amount which is reasonable in the light of the anticipated or actual harm caused by the delinquency, default, or early termination, the difficulties of proof of loss, and the inconvenience or nonfeasibility of otherwise obtaining an adequate remedy.

(3) If a lease has a residual value provision at the termination of the lease, the lessee may obtain, at his or her expense, a professional appraisal of the leased property by an independent third party agreed to be both parties. Such appraisal shall be final and binding on the parties. [2012 c 117 s 165; 1983 c 158 s 3.]

RCW 63.10.040 Lease contracts—Disclosure requirements. (1) In any lease contract subject to this chapter, the following items, as applicable, shall be disclosed:

(a) A brief description of the leased property, sufficient to identify the property to the lessee and lessor.

(b) The total amount of any payment, such as a refundable security deposit paid by cash, check, or similar means, advance payment, capitalized cost reduction, or any trade-in allowance, appropriately identified, to be paid by the lessee at consummation of the lease.

(c) The number, amount, and due dates or periods of payments scheduled under the lease and the total amount of the periodic payments.

(d) The total amount paid or payable by the lessee during the lease term for official fees, registration, certificate of title, license fees, or taxes.

(e) The total amount of all other charges, individually itemized, payable by the lessee to the lessor, which are not included in the periodic payments. This total includes the amount of any liabilities the lease imposes upon the lessee at the end of the term, but excludes the potential difference between the estimated and realized values required to be disclosed under (m) of this subsection.

(f) A brief identification of insurance in connection with the lease including (i) if provided or paid for by the lessor, the types and amounts of coverages and cost to the lessee, or (ii) if not provided or paid for by the lessor, the types and amounts of coverages required of the lessee.

(g) A statement identifying any express warranties or guarantees available to the lessee made by the lessor or manufacturer with respect to the leased property.

(h) An identification of the party responsible for maintaining or servicing the leased property together with a brief description of the responsibility, and a statement of reasonable standards for wear and use, if the lessor sets such standards.

(i) A description of any security interest, other than a security deposit disclosed under (b) of this subsection, held or to be retained

by the lessor in connection with the lease and a clear identification of the property to which the security interest relates.

(j) The amount or method of determining the amount of any penalty or other charge for delinquency, default, or late payments.

(k) A statement of whether or not the lessee has the option to purchase the leased property and, if at the end of the lease term, at what price, and, if prior to the end of the lease term, at what time, and the price or method of determining the price.

(l) A statement of the conditions under which the lessee or lessor may terminate the lease prior to the end of the lease term and the amount or method of determining the amount of any penalty or other charge for early termination.

(m) A statement that the lessee shall be liable for the difference between the estimated value of the property and its realized value at early termination or the end of the lease term, if such liability exists.

(n) Where the lessee's liability at early termination or at the end of the lease term is based on the estimated value of the leased property, a statement that the lessee may obtain at the end of the lease term or at early termination, at the lessee's expense, a professional appraisal of the value which could be realized at sale of the leased property by an independent third party agreed to by the lessee and the lessor, which appraisal shall be final and binding on the parties.

(o) Where the lessee's liability at the end of the lease term is based upon the estimated value of the leased property:

(i) The value of the property at consummation of the lease, the itemized total lease obligation at the end of the lease term, and the difference between them.

(ii) That there is a rebuttable presumption that the estimated value of the leased property at the end of the lease term is unreasonable and not in good faith to the extent that it exceeds the realized value by more than three times the average payment allocable to a monthly period, and that the lessor cannot collect the amount of such excess liability unless the lessor brings a successful action in court in which the lessor pays the lessee's attorney's fees, and that this provision regarding the presumption and attorney's fees does not apply to the extent the excess of estimated value over realized value is due to unreasonable wear or use, or excessive use.

(iii) A statement that the requirements of (o)(ii) of this subsection do not preclude the right of a willing lessee to make any mutually agreeable final adjustment regarding such excess liability.

(p) In consumer leases of motor vehicles:

(i) The gross capitalized cost stated as a total and the identity of the components listed in the definition of gross capitalized cost and the respective amount of each component;

(ii) Any capitalized cost reduction stated as a total;

(iii) A statement of adjusted capitalized cost;

(iv) If the lessee trades in a motor vehicle, the amount of any sales tax exemption for the agreed value of the traded vehicle and any reduction in the periodic payments resulting from the application of the sales tax exemption shall be disclosed in the lease contract; and

(v) A statement of the total amount to be paid prior to or at consummation or by delivery, if delivery occurs after consummation. The lessor shall itemize each component by type and amount and shall itemize how the total amount will be paid, by type and amount.

(2) Where disclosures required under this chapter are the same as those required under Title I of the federal consumer protection act (90 Stat. 257, 15 U.S.C. Sec. 1667 et seq.), which is also known as the federal consumer leasing act, as of the date upon which the consumer lease is executed, disclosures complying with the federal consumer leasing act shall be deemed to comply with the disclosure requirements of this chapter. [1998 c 113 s 2; 1995 c 112 s 2; 1983 c 158 s 4.]

RCW 63.10.045 Unlawful acts or practices—Consumer lease of a motor vehicle. Each of the following acts or practices are unlawful in the context of offering a consumer lease of a motor vehicle:

- (1) Advertising that is false, deceptive, misleading, or in violation of *12 C.F.R. Sec. 213.5 (a) through (d) and 15 U.S.C. 1667, Regulation M;
- (2) Misrepresenting any of the following:
 - (a) The material terms or conditions of a lease agreement;
 - (b) That the transaction is a purchase agreement as opposed to a lease agreement; or
 - (c) The amount of any equity or value the leased vehicle will have at the end of the lease; and
- (3) Failure to comply with the disclosure requirements of Title I of the federal consumer protection act (90 Stat. 257, 15 U.S.C. Sec. 1667 et seq.), which is also known as the federal consumer leasing act, including, but not limited to, failure to disclose all fees that will be due when a consumer exercises the option to purchase. [1995 c 112 s 3.]

***Reviser's note:** 12 C.F.R. Sec. 213.5 (a) through (d) has been amended. See 12 C.F.R. Sec. 213.7 (a) through (f).

RCW 63.10.050 Violations—Unfair acts under consumer protection act—Damages. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act or practice in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Regarding damages awarded under this section, the court may award damages allowed under chapter 19.86 RCW or 15 U.S.C. Sec. 1667d (a) and 15 U.S.C. Sec. 1640, but not both. [1995 c 112 s 4; 1983 c 158 s 5.]

RCW 63.10.055 Remedies—Effect of chapter. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy available at law or in equity. [1995 c 112 s 5.]

RCW 63.10.060 Defense or action of usury—Limitations. No person may plead the defense of usury or maintain any action thereon based upon a transaction heretofore entered into if such transaction:

- (1) Constitutes a "consumer lease" as defined in RCW 63.10.020;
or
- (2) Would constitute such a consumer lease but for the fact that:
- (i) The lessee was not a natural person;
 - (ii) The lease was not primarily for personal, family, or household purposes; or
 - (iii) The total contractual obligation exceeded twenty-five thousand dollars. [1983 c 158 s 8.]

RCW 63.10.070 Dog or cat ownership contracts. A contract entered into on or after July 28, 2019, to transfer ownership of a live dog or cat in which ownership is contingent upon the making of payments over a period of time subsequent to the transfer of possession of the live dog or cat, or provides for or offers the option of transferring ownership of the dog or cat at the end of a lease term, is void and unenforceable. [2019 c 340 s 1.]

Construction—2019 c 340: "Nothing in this act may be construed to apply to contracts for payments to repay an unsecured loan for the purchase of a live dog or cat." [2019 c 340 s 6.]

Additional remedies—Dog or cat ownership contracts—2019 c 340: "In addition to any other remedies provided by law, the consumer taking possession of a live dog or cat that is transferred under a contract declared to be void and unenforceable under section 1, 2, or 3 of this act is deemed the owner of the dog or cat and is also entitled to the return of all amounts the consumer paid under the contract." [2019 c 340 s 5.]

RCW 63.10.080 Consumer lease for a dog or cat—Prohibition. A lessor shall not finance a consumer lease for the purchase of a dog or cat. A lease contract entered into on or after July 23, 2023, for the purchase of a dog or cat is void and unenforceable and the lessor shall have no right to collect, receive, or retain any principal, interest, or charges related to the lease contract. [2023 c 208 s 4.]

RCW 63.10.902 Effective date—1995 c 112. This act shall take effect January 1, 1996. [1995 c 112 s 7.]

Chapter 63.14 RCW
RETAIL INSTALLMENT SALES OF GOODS AND SERVICES

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- 63.14.010 Definitions.
- 63.14.020 Retail installment contracts—Number of documents—
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- 63.14.030 Retail installment contracts—Delivery to buyer of copy—
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- 63.14.040 Retail installment contracts—Contents.
- 63.14.043 Retail installment contracts—Purchase of motor vehicle—
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- 63.14.050 Retail installment contracts—Multiple documents
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- 63.14.060 Retail installment contracts—Mail orders based on catalog
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- 63.14.070 Retail installment contracts—Seller not to obtain buyer's
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- 63.14.080 Retail installment contracts—Prepayment in full of unpaid
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- 63.14.090 Retail installment contracts, retail charge agreements,
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- 63.14.100 Receipt for cash payment—Retail installment contracts,
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- 63.14.110 Consolidation of subsequent purchases with previous
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- 63.14.120 Retail charge agreements and lender credit card agreements
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- 63.14.123 Restrictions on electronically printed credit and debit
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- 63.14.125 Lender credit card agreements—Security interests
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- 63.14.127 Retail installment contracts—Dog or cat as security
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- 63.14.130 Retail installment contracts, retail charge agreements,
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- 63.14.140 Retail installment contracts, retail charge agreements,
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- 63.14.145 Retail installment contracts and charge agreements—Sale,
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- 63.14.151 Retail installment contracts, retail charge agreements, and lender credit card agreements—Compliance with disclosure requirements of federal consumer protection act deemed compliance with chapter 63.14 RCW.
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- 63.14.167 Lender credit card agreements and financial institution credit card agreements—Credit to account for returned goods or forgiveness of a debit for services—Statement of credit to card issuer—Notice to cardholder.
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- 63.14.190 Restraint of violations.
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- 63.14.903 Application, saving—1981 c 77.
- 63.14.910 Saving—1963 c 236.
- 63.14.920 Effective date—1963 c 236.
- 63.14.921 Effective date—Saving—1967 c 234.
- 63.14.922 Effective date—1993 sp.s. c 5.
- 63.14.924 Application—1995 c 249.
- 63.14.925 Savings—1995 c 249.
- 63.14.926 Effective date—1995 c 249.

Consumer leases: Chapter 63.10 RCW.

Interest—Usury: Chapter 19.52 RCW.

RCW 63.14.010 Definitions. In this chapter, unless the context otherwise requires:

(1) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(2) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or

services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(3) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(4) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(5) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(6) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(7) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(8) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period;

(9) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a

chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(12) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(13) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(14) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and vehicle license fees, the cost of a guaranteed asset protection waiver, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(15) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under RCW 46.68.440(1), any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(16) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(17) "Time balance" means the principal balance plus the service charge. [2010 c 161 s 1152. Prior: 2009 c 334 s 11; 2003 c 368 s 2; 1999 c 113 s 1; 1997 c 331 s 6; 1993 sp.s. c 5 s 1; 1992 c 134 s 16;

1984 c 280 s 1; 1983 c 158 s 7; 1981 c 77 s 1; 1972 ex.s. c 47 s 1; 1963 c 236 s 1.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Application—2009 c 334: See RCW 48.160.900.

Effective date—1997 c 331: See note following RCW 70.168.135.

Short title—1992 c 134: See RCW 63.19.900.

Application, saving—1981 c 77: See RCW 63.14.903.

Effective date—1972 ex.s. c 47: "This 1972 amendatory act shall take effect on January 1, 1973." [1972 ex.s. c 47 s 5.]

RCW 63.14.020 Retail installment contracts—Number of documents—Promissory notes—Date—Signatures—Completion—Type size. Every retail installment contract shall be contained in a single document which shall contain the entire agreement of the parties including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as provided in RCW 63.14.050, 63.14.060 and 63.14.110: PROVIDED, That where the buyer's obligation to pay the time balance is represented by a promissory note secured by a chattel mortgage, the promissory note may be a separate instrument if the mortgage recites the amount and terms of payment of such note and the promissory note recites that it is secured by a mortgage: PROVIDED FURTHER, That any such promissory note or other evidence of indebtedness executed by the buyer shall not, when assigned or negotiated, cut off as to third parties any right of action or defense which the buyer may have against the seller, and each such promissory note or other evidence of indebtedness shall contain a statement to that effect: AND PROVIDED FURTHER, That in a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage on the real property contained in a separate document. Home improvement retail sales transactions which are financed or insured by the Federal Housing Administration are not subject to this chapter.

The contract shall be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in RCW 63.14.060 and 63.14.070. The printed or typed portion of the contract, other than instructions for completion, shall be in a size equal to at least eight point type. [1967 c 234 s 1; 1963 c 236 s 2.]

RCW 63.14.030 Retail installment contracts—Delivery to buyer of copy—Acknowledgment of delivery. The retail seller shall deliver to the retail buyer, at the time the buyer signs the contract, a copy of the contract as signed by the buyer, unless the contract is completed by the buyer in situations covered by RCW 63.14.060, and if the contract is accepted at a later date by the seller, the seller shall mail to the buyer at his or her address shown on the retail installment contract a copy of the contract as accepted by the seller

or a copy of the memorandum as required in RCW 63.14.060. Until the seller does so, the buyer shall be obligated to pay only the sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature. [2012 c 117 s 166; 1981 c 77 s 2; 1967 c 234 s 2; 1963 c 236 s 3.]

Application, saving—1981 c 77: See RCW 63.14.903.

RCW 63.14.040 Retail installment contracts—Contents. (1) The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or service furnished or rendered or to be furnished or rendered. The contract also shall contain the following items, which shall be set forth in the sequence appearing below:

- (a) The sale price of each item of goods or services;
- (b) The amount of the buyer's down payment, if any, identifying the amounts paid in money and allowed for goods traded in;
- (c) The difference between items (a) and (b) of this subsection;
- (d) The aggregate amount, if any, included for insurance, specifying the type or types of insurance and the terms of coverage;
- (e) The aggregate amount of official fees, if any;
- (f) The amount, if any, actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;
- (g) The principal balance, which is the sum of items (c), (d), (e), and (f) of this subsection;
- (h) The dollar amount or rate of the service charge;
- (i) The amount of the time balance owed by the buyer to the seller, which is the sum of items (g) and (h) of this subsection, if (h) of this subsection is stated in a dollar amount; and
- (j) Except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding installment payment, the maximum number of payments and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(2) Every retail installment contract shall contain the following notice in ten point boldface type or larger directly above the space reserved in the contract for the signature of the buyer: "NOTICE TO BUYER:

(a) Do not sign this contract before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

(b) You are entitled to a copy of this contract at the time you sign it.

(c) You may at any time pay off the full unpaid balance due under this contract, and in so doing you may receive a partial rebate of the service charge.

(d) The service charge does not exceed% (must be filled in) per annum computed monthly.

(e) You may cancel this contract if it is solicited in person, and you sign it, at a place other than the seller's business address shown on the contract, by sending notice of such cancellation by certified mail return receipt requested to the seller at his or her address shown on the contract which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing this contract. If you choose to cancel this contract, you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this contract."

Subsection (2)(e) of this section is effective and needs to be included in the notice only if the contract is solicited in person by the seller or his or her representative, and the buyer signs it, at a place other than the seller's business address shown on the contract, but does not apply to a retail installment contract used for the sale of a motor vehicle by a licensed vehicle dealer. [2021 c 201 s 2; 2012 c 117 s 167; 1999 c 113 s 2; 1981 c 77 s 3; 1972 ex.s. c 47 s 2; 1969 c 2 s 1 (Initiative Measure No. 245, approved November 5, 1968); 1967 c 234 s 3; 1963 c 236 s 4.]

Application, saving—1981 c 77: See RCW 63.14.903.

RCW 63.14.043 Retail installment contracts—Purchase of motor vehicle—Secondary products. (1) If a retail installment contract for the purchase of a motor vehicle meets the requirements of this chapter and meets the requirements of any federal law applicable to a retail installment contract for the purchase of a motor vehicle, the retail installment contract shall be accepted for consideration by any lender, except for lenders licensed and regulated under the provisions of chapter 31.04 RCW, to whom application for credit relating to the retail installment contract is made.

(2) If a retail installment contract for the purchase of a motor vehicle includes the purchase of a secondary product, a lender who shares common control with a brand owner may not directly or indirectly require, as a condition of acceptance of assignment of the retail installment contract, that the buyer purchase a secondary product from a particular provider, administrator, or insurer. A violation of this subsection is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW.

(3) For the purposes of this section, "secondary product," "common control," and "brand owner" have the same meanings as provided in RCW 46.96.196. [2020 c 174 s 2; 2006 c 288 s 1.]

RCW 63.14.050 Retail installment contracts—Multiple documents permissible where original applies to purchases from time to time. A retail installment contract may be contained in more than one document, provided that one such document shall be an original document signed by the retail buyer, stated to be applicable to purchases of goods or services to be made by the retail buyer from time to time. In such case such document, together with the sales slip, account book or other written statement relating to each purchase, shall set forth all of the information required by RCW 63.14.040 and shall constitute the retail installment contract for each purchase. On each succeeding purchase pursuant to such original document, the sales slip, account book or other written statement may at the option of the seller constitute the memorandum required by RCW 63.14.110. [1963 c 236 s 5.]

RCW 63.14.060 Retail installment contracts—Mail orders based on catalog or other printed solicitation. Retail installment contracts negotiated and entered into by mail or telephone without solicitation in person by salespersons or other representatives of the seller and based upon a catalog of the seller, or other printed solicitation of business, if such catalog or other printed solicitation clearly sets forth the cash sale prices and other terms of sales to be made through such medium, may be made as provided in this section. The provisions of this chapter with respect to retail installment contracts shall be applicable to such sales, except that the retail installment contract, when completed by the buyer need not contain the items required by RCW 63.14.040.

When the contract is received from the retail buyer, the seller shall prepare a written memorandum containing all of the information required by RCW 63.14.040 to be included in a retail installment contract. In lieu of delivering a copy of the contract to the retail buyer as provided in RCW 63.14.030, the seller shall deliver to the buyer a copy of such memorandum prior to the due date of the first installment payable under the contract: PROVIDED, That if the catalog or other printed solicitation does not set forth all of the other terms of sales in addition to the cash sales prices, such memorandum shall be delivered to the buyer prior to or at the time of delivery of the goods or services. [2012 c 117 s 168; 1967 c 234 s 4; 1963 c 236 s 6.]

RCW 63.14.070 Retail installment contracts—Seller not to obtain buyer's signature when essential blank spaces not filled—Exceptions. The seller shall not obtain the signature of the buyer to any contract when it contains blank spaces of items which are essential provisions of the transaction except as provided in RCW 63.14.060: PROVIDED, HOWEVER, That if delivery of the goods is not made at the time of the execution of the contract, the identifying numbers or marks of the goods or similar information and the due date of the first installment may be inserted by the seller in the seller's counterpart of the contract after it has been signed by the buyer. [1963 c 236 s 7.]

RCW 63.14.080 Retail installment contracts—Prepayment in full of unpaid time balance—Refund of unearned service charge—"Rule of

seventy-eighths." For the purpose of this section, "periodic time balance" means the unpaid portion of the time balance as of the last day of each month, or other uniform time interval established by the regular consecutive payment period scheduled in a retail installment contract.

Notwithstanding the provisions of any retail installment contract to the contrary, and if the rights of the purchaser have not been terminated or forfeited under the terms of the contract, any buyer may prepay in full the unpaid portion of the time balance thereof at any time before its final due date and, if he or she does so, he or she shall receive a refund credit of the unearned portion of the service charge for such prepayment. The amount of such refund credit shall be computed according to the "rule of seventy-eighths," that is it shall represent at least as great a portion of the original service charge, as the sum of the periodic time balances not yet due bears to the sum of all the periodic time balances under the schedule of payments in the contract: PROVIDED, That where the earned service charge (total service charge minus refund credit) thus computed is less than the following minimum service charge: Fifteen dollars where the principal balance is not in excess of two hundred and fifty dollars, twenty-five dollars where the principal balance exceeds two hundred and fifty dollars but is not in excess of five hundred dollars, thirty-seven dollars and fifty cents where the principal balance exceeds five hundred dollars but is not in excess of one thousand dollars, and fifty dollars where the principal balance exceeds one thousand dollars; then such minimum service charge shall be deemed to be the earned service charge: AND PROVIDED FURTHER, That where the amount of such refund credit is less than one dollar, no refund credit need be made. [2012 c 117 s 169; 1967 c 234 s 5; 1963 c 236 s 8.]

RCW 63.14.090 Retail installment contracts, retail charge agreements, and lender credit card agreements—Delinquency or collection charges—Attorney's fees, court costs—Other provisions not inconsistent with chapter are permissible. (1) The holder of any retail installment contract, retail charge agreement, or lender credit card agreement may not collect any delinquency or collection charges, including any attorney's fee and court costs and disbursements, unless the contract, charge agreement, or lender credit card agreement so provides. In such cases, the charges shall be reasonable, and no attorney's fee may be recovered unless the contract, charge agreement, or lender credit card agreement is referred for collection to an attorney not a salaried employee of the holder.

(2) The contract, charge agreement, or lender credit card agreement may contain other provisions not inconsistent with the purposes of this chapter, including but not limited to provisions relating to refinancing, transfer of the buyer's equity, construction permits, and title reports.

(3) Notwithstanding subsection (1) of this section, where the minimum payment is received within the ten days following the payment due date, delinquency charges for the late payment of a retail charge agreement or lender credit card agreement may not be more than ten percent of the average balance of the delinquent account for the prior thirty-day period when the average balance of the account for the prior thirty-day period is less than one hundred dollars, except that a minimum charge of up to two dollars shall be allowed. This

subsection (3) shall not apply in cases where the payment on the account is more than thirty days overdue. [1993 c 481 s 1; 1984 c 280 s 2; 1963 c 236 s 9.]

RCW 63.14.100 Receipt for cash payment—Retail installment contracts, statement of payment schedule and total amount unpaid. A buyer shall be given a written receipt for any payment when made in cash. Upon written request of the buyer, the holder of a retail installment contract shall give or forward to the buyer a written statement of the dates and amounts of payments and the total amount unpaid under the contract. Such a statement shall be given the buyer once without charge; if any additional statement is requested by the buyer, it shall be supplied by the holder at a charge not in excess of one dollar for each additional statement so supplied. [1963 c 236 s 10.]

RCW 63.14.110 Consolidation of subsequent purchases with previous contract. (1) If, in a retail installment transaction, a retail buyer makes any subsequent purchases of goods or services from a retail seller from whom he or she has previously purchased goods or services under one or more retail installment contracts, and the amounts under such previous contract or contracts have not been fully paid, the subsequent purchases may, at the seller's option, be included in and consolidated with one or more of the previous contracts. All the provisions of this chapter with respect to retail installment contracts shall be applicable to such subsequent purchases except as hereinafter stated in this subsection. In the event of such consolidation, in lieu of the buyer's executing a retail installment contract respecting each subsequent purchase, as provided in this section, it shall be sufficient if the seller shall prepare a written memorandum of each such subsequent purchase, in which case the provisions of RCW 63.14.020, 63.14.030, and 63.14.040 shall not be applicable. Unless previously furnished in writing to the buyer by the seller, by sales slip, memoranda, or otherwise, such memorandum shall set forth with respect to each subsequent purchase items (a) to (h) inclusive of RCW 63.14.040(1), and in addition, if the service charge is stated as a dollar amount, the amount of the time balance owed by the buyer to the seller for the subsequent purchase, the outstanding balance of the previous contract or contracts, the consolidated time balance, and the revised installments applicable to the consolidated time balance, if any, in accordance with RCW 63.14.040. If the service charge is not stated in a dollar amount, in addition to the items (a) to (h) inclusive of RCW 63.14.040(1), the memorandum shall set forth the outstanding balance of the previous contract or contracts, the consolidated outstanding balance, and the revised installments applicable to the consolidated outstanding balance, in accordance with RCW 63.14.040.

The seller shall deliver to the buyer a copy of such memorandum prior to the due date of the first installment of such consolidated contract.

(2) When such subsequent purchases are made, if the seller has retained title or taken a lien or other security interest in any of the goods purchased under any one of the contracts included in the consolidation:

(a) The entire amount of all payments made prior to such subsequent purchases shall be deemed to have been applied on the previous purchases;

(b) The amount of any down payment on the subsequent purchase shall be allocated in its entirety to such subsequent purchase;

(c) Each payment received after the subsequent purchase shall be deemed to be allocated to all of the various time balances in the same proportion or ratio as the original cash sale prices of the various retail installment transactions bear to one another: PROVIDED, That the seller may elect, where the amount of each installment payment is increased in connection with the subsequent purchase, to allocate only the increased amount to the time balance of the subsequent retail installment transaction, and to allocate the amount of each installment payment prior to the increase to the time balance(s) existing at the time of the subsequent purchase.

The provisions of this subsection shall not apply to cases where such previous and subsequent purchases involve equipment, parts, or other goods attached or affixed to goods previously purchased and not fully paid, or to services in connection therewith rendered by the seller at the buyer's request. [2012 c 117 s 170; 1999 c 113 s 3; 1967 c 234 s 6; 1963 c 236 s 11.]

RCW 63.14.120 Retail charge agreements and lender credit card agreements—Information to be furnished by seller. (1) At or prior to the time a retail charge agreement or lender credit card agreement is made the seller shall advise the buyer in writing, on the application form or otherwise, or orally that a service charge will be computed on the outstanding balance for each month (which need not be a calendar month) or other regular period agreed upon, the schedule or rate by which the service charge will be computed, and that the buyer may at any time pay his or her total unpaid balance: PROVIDED, That if this information is given orally, the seller shall, upon approval of the buyer's credit, deliver to the buyer or mail to the buyer's address, a memorandum setting forth this information.

(2) The seller or holder of a retail charge agreement or lender credit card agreement shall promptly supply the buyer with a statement as of the end of each monthly period (which need not be a calendar month) or other regular period agreed upon, in which there is any unpaid balance thereunder, which statement shall set forth the following:

(a) The unpaid balance under the retail charge agreement or lender credit card agreement at the beginning and at the end of the period;

(b) Unless otherwise furnished by the seller to the buyer by sales slip, memorandum, or otherwise, a description or identification of the goods or services purchased during the period, the sale price, and the date of each purchase;

(c) The payments made by the buyer to the seller and any other credits to the buyer during the period;

(d) The amount, if any, of any service charge for such period; and

(e) A legend to the effect that the buyer may at any time pay his or her total unpaid balance.

(3) Every retail charge agreement shall contain the following notice in ten point boldface type or larger directly above the space

reserved in the charge agreement for the signature of the buyer:

NOTICE TO BUYER:

(a) Do not sign this retail charge agreement before you read it or if any spaces intended for the agreed terms are left blank.

(b) You are entitled to a copy of this charge agreement at the time you sign it.

(c) You may at any time pay off the full unpaid balance under this charge agreement.

(d) You may cancel any purchases made under this charge agreement if the seller or his representative solicited in person such purchase, and you sign an agreement for such purchase, at a place other than the seller's business address shown on the charge agreement, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the charge agreement, which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing of the purchase agreement. If you choose to cancel this purchase, you must return or make available to seller at the place of delivery any merchandise, in its original condition, received by you under this purchase agreement. [1984 c 280 s 3; 1981 c 77 s 4; 1972 ex.s. c 47 s 3; 1969 c 2 s 2 (Initiative Measure No. 245, approved November 5, 1968); 1967 c 234 s 7; 1963 c 236 s 12.]

Application, saving—1981 c 77: See RCW 63.14.903.

RCW 63.14.123 Restrictions on electronically printed credit and debit card receipts. (1) A retailer shall not print more than the last five digits of the card account number or print the card expiration date on a credit or debit card receipt. This includes all receipts kept by the person or provided to the cardholder.

(2) This section shall apply only to receipts that are electronically printed and shall not apply to transactions in which the:

(a) Sole means of recording the card number is by handwriting or by an imprint or copy of the credit or debit card; or

(b) Retailer processes the transaction electronically but also takes additional manual measures for the purpose of ensuring that the card is not being used fraudulently, including measures the retailer is contractually obligated to take in connection with its acceptance of credit or debit cards.

(3) For the purposes of this section:

(a) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(b) "Debit card" means a card or device used to obtain money, property, labor, or services by a transaction that debits a cardholder's account, rather than extending credit. [2009 c 382 s 2; 2000 c 163 s 2.]

Effective date—2000 c 163: See RCW 19.200.901.

RCW 63.14.125 Lender credit card agreements—Security interests prohibited. A lender credit card agreement may not contain any provision for a security interest in real or personal property or

fixtures of the buyer to secure payment of performance of the buyer's obligation under the lender credit card agreement. [1984 c 280 s 4.]

RCW 63.14.127 Retail installment contracts—Dog or cat as security interest. A retail installment contract entered into on or after July 28, 2019, that includes a live dog or cat as a security interest for the contract is void and unenforceable. [2019 c 340 s 2.]

Construction—Additional remedies—Dog or cat ownership contracts—2019 c 340: See notes following RCW 63.10.070.

RCW 63.14.130 Retail installment contracts, retail charge agreements, and lender credit card agreements—Service charge agreed to by contract—Other fees and charges prohibited. The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved, or contracted therefor from the buyer, except for any vehicle dealer administrative fee under RCW 46.68.440(1) or for any vehicle dealer documentary service fee under RCW 46.70.180(2).

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(h).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged. [2010 c 161 s 1153; 2003 c 368 s 3; 1999 c 113 s 4; 1997 c 331 s 7; 1992 c 193 s 1. Prior: 1989 c 112 s 1; 1989 c 14 s 5; 1987 c 318 s 1; 1984 c 280 s 5; 1981 c 77 s 5; 1969 c 2 s 3 (Initiative Measure No. 245, approved November 5, 1968); 1967 c 234 s 8; 1963 c 236 s 13.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1997 c 331: See note following RCW 70.168.135.

Effective date—1987 c 318: "This act shall take effect January 1, 1988." [1987 c 318 s 2.]

Application, saving—1981 c 77: See RCW 63.14.903.

RCW 63.14.136 Retail installment transaction—Unconscionable—Judicial action. (1) With respect to a retail installment transaction, as defined in *RCW 63.14.010(8), if the court as a matter of law finds the agreement or contract, or any clause in the agreement or contract, to have been unconscionable at the time it was made, the court may refuse to enforce the agreement or contract, may enforce the

remainder of the agreement or contract, or may limit the application of any unconscionable clause to avoid an unconscionable result.

(2) If it is claimed or it appears to the court that the agreement or contract, or any clause in the agreement or contract, may be unconscionable, the parties shall be given a reasonable opportunity to present evidence as to its setting, purpose, and effect to assist the court in making a determination regarding unconscionability.

(3) For the purpose of this section, a charge or practice expressly permitted by this chapter is not in itself unconscionable. [1995 c 249 s 4.]

***Reviser's note:** RCW 63.14.010 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (8) to subsection (12).

RCW 63.14.140 Retail installment contracts, retail charge agreements, and lender credit card agreements—Insurance. If the cost of any insurance is included in the retail installment contract, retail charge agreement, or lender credit card agreement:

(1) The contract or agreement shall state the nature, purpose, term, and amount of such insurance, and in connection with the sale of a motor vehicle, the contract shall state that the insurance coverage ordered under the terms of this contract does not include "bodily injury liability," "public liability," and "property damage liability" coverage, where such coverage is in fact not included;

(2) The contract or agreement shall state whether the insurance is to be procured by the buyer or the seller;

(3) The amount, included for such insurance, shall not exceed the premiums chargeable in accordance with the rate fixed for such insurance by the insurer, except where the amount is less than one dollar;

(4) If the insurance is to be procured by the seller or holder, he or she shall, within forty-five days after delivery of the goods or furnishing of the services under the contract, deliver, mail, or cause to be mailed to the buyer, at his or her address as specified in the contract, a notice thereof or a copy of the policy or policies of insurance or a certificate or certificates of the insurance so procured. [2012 c 117 s 171; 1984 c 280 s 6; 1963 c 236 s 14.]

RCW 63.14.145 Retail installment contracts and charge agreements—Sale, transfer, or assignment. (1) A retail seller may sell, transfer, or assign a retail installment contract or charge agreement. After such sale, transfer, or assignment, the retail installment contract or charge agreement remains a retail installment contract or charge agreement.

(2) Nothing contained in this chapter shall be deemed to limit any charge made by an assignee of a retail installment contract or charge agreement to the seller-assignor upon the sale, transfer, assignment, or discount of the contract or agreement, notwithstanding retention by the assignee of recourse rights against the seller-assignor and notwithstanding duties retained by the seller-assignor to service delinquencies, perform service or warranty agreements regarding the property which is the subject matter of the assigned or discounted contracts or charge agreements, or to do or perform any other duty with respect to the contract or agreement assigned or the subject matter of such contract or agreement. [1993 sp.s. c 5 s 2.]

RCW 63.14.150 Retail installment contracts, retail charge agreements, and lender credit card agreements—Agreements by buyer not to assert claim or defense or to submit to suit in another county invalid. No provision of a retail installment contract, retail charge agreement, or lender credit card agreement is valid by which the buyer agrees not to assert against the seller or against an assignee a claim or defense arising out of the sale, or by which the buyer agrees to submit to suit in a county other than the county where the buyer signed the contract or where the buyer resides or has his or her principal place of business. [2012 c 117 s 172; 1984 c 280 s 7; 1967 c 234 s 9; 1963 c 236 s 15.]

RCW 63.14.151 Retail installment contracts, retail charge agreements, and lender credit card agreements—Compliance with disclosure requirements of federal consumer protection act deemed compliance with chapter 63.14 RCW. Any retail installment contract, retail charge agreement, or lender credit card agreement that complies with the disclosure requirements of Title I of the federal consumer protection act (82 Stat. 146, 15 U.S.C. 1601) which is also known as the truth in lending act, as of the date upon which said retail installment contract, revolving charge agreement, or lender credit card agreement is executed, shall be deemed to comply with the disclosure provisions of chapter 63.14 RCW. [1984 c 280 s 8; 1981 c 77 s 9.]

Application, saving—1981 c 77: See RCW 63.14.903.

RCW 63.14.152 Declaratory judgment action to establish if service charge is excessive. The seller, holder, or buyer may bring an action for declaratory judgment to establish whether service charges contracted for or received in connection with a retail installment transaction are in excess of those allowed by chapter 234, Laws of 1967. Such an action shall be brought against the current holder or against the buyer or his or her successor in interest or, if the entire principal balance has been fully paid, by the buyer or his or her successor in interest against the holder to whom the final payment was made. No such action shall be commenced after six months following the date the final payment becomes due, whether by acceleration or otherwise, nor after six months following the date the principal balance is fully paid, whichever first occurs. If the buyer commences such an action and fails to establish that the service charge is in excess of that allowed by RCW 63.14.130, and if the court finds the action was frivolously commenced, the defendant or defendants may, in the court's discretion, recover reasonable attorneys' fees and costs from the buyer. [2012 c 117 s 173; 1967 c 234 s 11.]

RCW 63.14.154 Cancellation of transaction by buyer—Procedure.
(1) In addition to any other rights he or she may have, the buyer shall have the right to cancel a retail installment transaction for other than the seller's breach by sending notice of such cancellation to the seller at his or her place of business as set forth in the contract or charge agreement by certified mail, return receipt

requested, which shall be posted not later than midnight of the third day (excluding Sundays and holidays) following the date the buyer signs the contract or charge agreement:

(a) If the retail installment transaction was entered into by the buyer and solicited in person or by a commercial telephone solicitation as defined by chapter 20, Laws of 1989 by the seller or his or her representative at a place other than the seller's address, which may be his or her main or branch office, shown on the contract; and

(b) If the buyer returns goods received or makes them available to the seller as provided in subsection (2)(b) of this section.

(2) In the event of cancellation pursuant to this section:

(a) The seller shall, without request, refund to the buyer within ten days after such cancellation all deposits, including any down payment, made under the contract or charge agreement and shall return all goods traded in to the seller on account or in contemplation of the contract less any reasonable costs actually incurred in making ready for sale the goods so traded in;

(b) The seller shall be entitled to reclaim and the buyer shall return or make available to the seller at the place of delivery in its original condition any goods received by the buyer under the contract or charge agreement;

(c) The buyer shall incur no additional liability for such cancellation.

(3) This section does not apply to a retail installment transaction for the purchase of a motor vehicle. If a retail installment sale contract is used for the sale of a vehicle by a motor vehicle dealer at a place other than the dealer's address, the dealer must disclose to the purchaser or lessee in writing that there is no right to cancel the contract under RCW 63.14.154. [2021 c 201 s 3; 2012 c 117 s 174. Prior: 1989 c 20 s 18; 1989 c 14 s 8; 1972 ex.s. c 47 s 4; 1967 c 234 s 12.]

Effective date—1989 c 20: See RCW 19.158.901.

RCW 63.14.156 Extension or deferment of payments—Agreement, charges. The holder of a retail installment contract may, upon agreement with the buyer, extend the scheduled due date or defer a scheduled payment of all or of any part of any installment or installments payable thereunder. No charge shall be made for any such extension or deferment unless a written acknowledgment of such extension or deferment is sent or delivered to the buyer. The holder may charge and contract for the payment of an extension or deferral charge by the buyer and collect and receive the same, but such charge may not exceed those permitted by *RCW 63.14.130 (a), (b), or (c) on the amount of the installment or installments, or part thereof, extended or deferred for the period of extension or deferral. Such period shall not exceed the period from the date when such extended or deferred installment or installments, or part thereof, would have been payable in the absence of such extension or deferral, to the date when such installment or installments, or part thereof, are made payable under the agreement of extension or deferment; except that a minimum charge of one dollar for the period of extension or deferral may be made in any case where the extension or deferral charge, when computed at such rate, amounts to less than one dollar. Such agreement may also

provide for the payment by the buyer of the additional cost to the holder of the contract of premiums for continuing in force, until the end of such period of extension or deferral, any insurance coverages provided for in the contract, subject to the provisions of RCW 63.14.140. [1967 c 234 s 13.]

***Reviser's note:** The reference to RCW 63.14.130 (a), (b), or (c) is erroneous. RCW 63.14.130(1) (a) or (b) is apparently intended. Subsequently, RCW 63.14.130 was amended by 1992 c 193 s 2, changing the subsection numbering.

RCW 63.14.158 Refinancing agreements—Costs—Contents. The holder of a retail installment contract or contracts may, upon agreement in writing with the buyer, refinance the payment of the unpaid time balance or balances of the contract or contracts by providing for a new schedule of installment payments.

The holder may charge and contract for the payment of a refinance charge by the buyer and collect and receive the same but such refinance charge (1) shall be based upon the amount refinanced, plus any additional cost of insurance and of official fees incident to such refinancing, after the deduction of a refund credit in an amount equal to that to which the buyer would have been entitled under RCW 63.14.080 if he or she had prepaid in full his or her obligations under the contract or contracts, but in computing such refund credit there shall not be allowed the minimum earned service charge as authorized by subsection (1)(d) of such section, and (2) may not exceed the rate of service charge provided under RCW 63.14.130. Such agreement for refinancing may also provide for the payment by the buyer of the additional cost to the holder of the contract or contracts of premiums for continuing in force, until the maturity of the contract or contracts as refinanced, any insurance coverages provided for therein, subject to the provisions of RCW 63.14.140.

The refinancing agreement shall set forth the amount of the unpaid time balance or balances to be refinanced, the amount of any refund credit, the amount to be refinanced after the deduction of the refund credit, the amount or rate of the service charge under the refinancing agreement, any additional cost of insurance and of official fees to the buyer, the new unpaid time balance, if the service charge is stated as a dollar amount, and the new schedule of installment payments. Where there is a consolidation of two or more contracts, then the provisions of RCW 63.14.110 shall apply. [2012 c 117 s 175; 1967 c 234 s 14.]

Minimum earned service charges: RCW 63.14.080.

RCW 63.14.159 New payment schedule—When authorized. In the event a contract provides for the payment of any installment which is more than double the amount of the average of the preceding installments the buyer upon default of this installment, shall be given an absolute right to obtain a new payment schedule. Unless agreed to by the buyer, the periodic payments under the new schedule shall not be substantially greater than the average of the preceding installments. This section shall not apply if the payment schedule is adjusted to the seasonal or irregular income of the buyer or to accommodate the nature of the buyer's employment. [1967 c 234 s 15.]

RCW 63.14.160 Conduct or agreement of buyer does not waive remedies. No act or agreement of the retail buyer before or at the time of the making of a retail installment contract, retail charge agreement, lender credit card agreement, or purchases thereunder shall constitute a valid waiver of any of the provisions of this chapter or of any remedies granted to the buyer by law. [1984 c 280 s 9; 1963 c 236 s 16.]

RCW 63.14.165 Financial institution credit card agreement not subject to chapter 63.14 RCW, but subject to chapter 19.52 RCW. A financial institution credit card is a card or device issued under an arrangement pursuant to which the issuing financial institution gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not principally engaged in the business of selling goods.

Except as provided in RCW 63.14.167, a financial institution credit card agreement and credit extended pursuant to it is not subject to the provisions of this chapter but shall be subject to the provisions of chapter 19.52 RCW. [1984 c 280 s 10; 1981 c 77 s 10.]

Application, saving—1981 c 77: See RCW 63.14.903.

RCW 63.14.167 Lender credit card agreements and financial institution credit card agreements—Credit to account for returned goods or forgiveness of a debit for services—Statement of credit to card issuer—Notice to cardholder. (1) Pursuant to a lender credit card or financial institution credit card transaction in which a credit card has been used to obtain credit, the seller is a person other than the card issuer, and the seller accepts or allows a return of goods or forgiveness of a debit for services that were the subject of the sale, credit shall be applied to the obligor's account as provided by this section.

(2) Within seven working days after a transaction in which an obligor becomes entitled to credit, the seller shall transmit a statement to the card issuer through the normal channels established by the card issuer for the transmittal of such statements. The credit card issuer shall credit the obligor's account within three working days following receipt of a credit statement from the seller.

(3) The obligor is not responsible for payment of any service charges resulting from the seller's or card issuer's failure to comply with subsection (2) of this section.

(4) An issuer issuing a lender credit card or financial institution credit card shall mail or deliver a notice of the provisions of this section at least once per calendar year, at intervals of not less than six months nor more than eighteen months, either to all cardholders or to each cardholder entitled to receive a periodic statement for any one billing cycle. The notice shall state that the obligor is not responsible for payment of any service charges resulting from the seller's or card issuer's failure to comply with subsection (2) of this section. [1989 c 11 s 24; 1984 c 280 s 11.]

Severability—1989 c 11: See note following RCW 9A.56.220.

RCW 63.14.170 Violations—Penalties. Any person who shall wilfully and intentionally violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both. Violation of any order or injunction issued pursuant to this chapter shall constitute prima facie proof of a violation of this section. [1963 c 236 s 17.]

RCW 63.14.175 Violations—Remedies. No person may pursue any remedy alleging a violation of this chapter on the basis of any act or omission that does not constitute a violation of this chapter as amended by chapter 5, Laws of 1993 sp. sess. For purposes of this section, the phrase "pursue any remedy" includes pleading a defense, asserting a counterclaim or right of offset or recoupment, commencing, maintaining, or continuing any legal action, or pursuing or defending any appeal. [1993 sp.s. c 5 s 3.]

RCW 63.14.180 Noncomplying person barred from recovery of service charge, etc.—Remedy of buyer—Extent of recovery. Any person who enters into a retail installment contract, charge agreement, or lender credit card agreement that does not comply with the provisions of this chapter or who violates any provision of this chapter except as a result of an accidental or bona fide error shall be barred from the recovery of any service charge, official fees, or any delinquency or collection charge under or in connection with the related retail installment contract or purchases under a retail charge agreement or lender credit card agreement; but such person may nevertheless recover from the buyer an amount equal to the cash price of the goods or services and the cost to such person of any insurance included in the transaction: PROVIDED, That if the service charge is in excess of that allowed by RCW 63.14.130, except as the result of an accidental or bona fide error, the buyer shall be entitled to an amount equal to the total of (1) twice the amount of the service charge paid, and (2) the amount of the service charge contracted for and not paid, plus (3) costs and reasonable attorneys' fees. The reduction in the cash price by the application of the above sentence shall be applied to diminish pro rata each future installment of principal amount payable under the terms of the contract or agreement. [1984 c 280 s 12; 1967 c 234 s 10; 1963 c 236 s 18.]

RCW 63.14.190 Restraint of violations. The attorney general or the prosecuting attorney may bring an action in the name of the state against any person to restrain and prevent any violation of this chapter. [1963 c 236 s 19.]

RCW 63.14.200 Assurance of discontinuance of unlawful practices. In the enforcement of this chapter, the attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his or her

principal place of business, or in Thurston county. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter for the purpose of securing any injunction as provided in RCW 63.14.190 and for the purpose of RCW 63.14.180 hereof: PROVIDED, That after commencement of any action by a prosecuting attorney, as provided herein, the attorney general may not accept an assurance of discontinuance without the consent of the prosecuting attorney. [2012 c 117 s 176; 1963 c 236 s 20.]

RCW 63.14.210 Violation of order or injunction—Penalty. Any person who violates any order or injunction issued pursuant to this chapter shall forfeit and pay a civil penalty of not more than one thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. [1963 c 236 s 21.]

RCW 63.14.220 Retail installment transaction for purchase of a dog or cat—Prohibition. A retail installment transaction entered into on or after July 23, 2023, for the purchase of a dog or cat is void and unenforceable and the retail seller shall have no right to collect, receive, or retain any principal, interest, or charges related to the retail installment transaction. [2023 c 208 s 5.]

RCW 63.14.903 Application, saving—1981 c 77. This act applies only to loans, forbearances, or transactions which are entered into after May 8, 1981, or to existing loans, forbearances, contracts, or agreements which were not primarily for personal, family, or household use in which there is an addition to the principal amount of the credit outstanding after May 8, 1981. [1981 c 77 s 13.]

RCW 63.14.910 Saving—1963 c 236. The provisions of this chapter shall not invalidate or make unlawful retail installment contracts or retail charge agreements executed prior to the effective date hereof. [1963 c 236 s 24.]

RCW 63.14.920 Effective date—1963 c 236. This chapter shall take effect October 1, 1963. [1963 c 236 s 25.]

RCW 63.14.921 Effective date—Saving—1967 c 234. This 1967 amendatory act shall take effect on January 1, 1968. Nothing in this 1967 amendatory act shall be construed to affect the validity of any agreement or contractual relationship entered into prior to such date, except that the rate of any service charge computed periodically on the outstanding balance in excess of that allowed by this 1967 amendatory act shall be reduced to a permissible rate on or before January 1, 1968. [1967 c 234 s 17.]

RCW 63.14.922 Effective date—1993 sp.s. c 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 28, 1993]. [1993 sp.s. c 5 s 4.]

RCW 63.14.924 Application—1995 c 249. This act applies prospectively only and not retroactively. It applies only to retail installment transactions entered into on or after May 5, 1995. [1995 c 249 s 2.]

RCW 63.14.925 Savings—1995 c 249. The repeals in section 1, chapter 249, Laws of 1995 shall not be construed as affecting any existing right acquired or liability or obligation incurred under the statutes repealed or under any rule or order adopted pursuant to those statutes; nor as affecting any proceeding instituted under them. [1995 c 249 s 3.]

RCW 63.14.926 Effective date—1995 c 249. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 5, 1995]. [1995 c 249 s 5.]

Chapter 63.18 RCW
LEASE OR RENTAL OF PERSONAL PROPERTY—DISCLAIMER OF WARRANTY OF
MERCHANTABILITY OR FITNESS

Sections

63.18.010 Lease or rental agreement for lease of personal property—
Disclaimer of warranty of merchantability or fitness—
Limitation—Exceptions.

RCW 63.18.010 Lease or rental agreement for lease of personal property—Disclaimer of warranty of merchantability or fitness—Limitation—Exceptions. In any lease or rental agreement for the lease of movable personal property for use primarily in this state (other than a lease under which the lessee is authorized to use such property at no charge), if the rental or other consideration paid or payable thereunder is at a rate which if computed on an annual basis would be six thousand dollars per year or less, no provision thereof purporting to disclaim any warranty of merchantability or fitness for particular purposes which may be implied by law shall be enforceable unless either (1) the disclaimer sets forth with particularity the qualities and characteristics which are not being warranted, or (2) the lessee is engaged in a public utility business or a public service business subject to regulation by the United States or this state. [1974 ex.s. c 180 s 3.]

Exclusion or modification of warranties: RCW 62A.2-316.

Chapter 63.19 RCW
LEASE-PURCHASE AGREEMENTS

Sections

63.19.010	Definitions.
63.19.020	Chapter application.
63.19.030	Disclosure by lessor—Requirement.
63.19.040	Disclosure by lessor—Contents.
63.19.050	Agreement—Restrictions.
63.19.060	Consumer—Reinstatement of agreement—Terms.
63.19.070	Written receipt—Lessor's duty.
63.19.080	Renegotiation—Same lessor and consumer.
63.19.090	Advertising—Requirements—Liability.
63.19.100	Upholstered furniture or bedding.
63.19.110	Violation—Application of chapter 19.86 RCW.
63.19.900	Short title—1992 c 134.

RCW 63.19.010 Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Advertisement" means a commercial message in any medium that aids, promotes, or assists, directly or indirectly, a lease-purchase agreement.

(2) "Cash price" means the price at which the lessor would have sold the property to the consumer for cash on the date of the lease-purchase agreement.

(3) "Consumer" means a natural person who rents personal property under a lease-purchase agreement to be used primarily for personal, family, or household purposes.

(4) "Consummation" means the time a consumer becomes contractually obligated on a lease-purchase agreement.

(5) "Lease-purchase agreement" means an agreement for the use of personal property by a natural person primarily for personal, family, or household purposes, for an initial period of four months or less that is automatically renewable with each payment after the initial period, but does not obligate or require the consumer to continue leasing or using the property beyond the initial period, and that permits the consumer to become the owner of the property.

(6) "Lessor" means a person who regularly provides the use of property through lease-purchase agreements and to whom lease payments are initially payable on the face of the lease-purchase agreement.
[1992 c 134 s 2.]

RCW 63.19.020 Chapter application. (1) Lease-purchase agreements that comply with this chapter are not governed by the laws relating to:

- (a) A consumer lease as defined in chapter 63.10 RCW;
- (b) A retail installment sale of goods or services as regulated under chapter 63.14 RCW;
- (c) A security interest as defined in Title 62A RCW; or
- (d) Loans, forbearances of money, goods, or things in action as governed by chapter 19.52 RCW.

(2) This chapter does not apply to the following:

- (a) Lease-purchase agreements primarily for business, commercial, or agricultural purposes, or those made with governmental agencies or instrumentalities or with organizations;
- (b) A lease of a safe deposit box;
- (c) A lease or bailment of personal property that is incidental to the lease of real property, and that provides that the consumer has no option to purchase the leased property; or
- (d) A lease of an automobile. [1992 c 134 s 3.]

RCW 63.19.030 Disclosure by lessor—Requirement. (1) The lessor shall disclose to the consumer the information required under this chapter. In a transaction involving more than one lessor, only one lessor need make the disclosures, but all lessors shall be bound by such disclosures.

(2) The disclosure shall be made at or before consummation of the lease-purchase agreement.

(3) The disclosure shall be made clearly and conspicuously in writing and a copy of the lease-purchase agreement provided to the consumer. The disclosures required under RCW 63.19.040(1) shall be made on the face of the contract above the line for the consumer's signature.

(4) If a disclosure becomes inaccurate as the result of any act, occurrence, or agreement by the consumer after delivery of the required disclosures, the resulting inaccuracy is not a violation of this chapter. [1992 c 134 s 4.]

RCW 63.19.040 Disclosure by lessor—Contents. (1) For each lease-purchase agreement, the lessor shall disclose in the agreement the following items, as applicable:

(a) The total number, total amount, and timing of all payments necessary to acquire ownership of the property;

(b) A statement that the consumer will not own the property until the consumer has made the total payment necessary to acquire ownership;

(c) A statement that the consumer is responsible for the fair market value of the property if, and as of the time, it is lost, stolen, damaged, or destroyed;

(d) A brief description of the leased property, sufficient to identify the property to the consumer and the lessor, including an identification number, if applicable, and a statement indicating whether the property is new or used, but a statement that indicates new property is used is not a violation of this chapter;

(e) A brief description of any damage to the leased property;

(f) A statement of the cash price of the property. Where the agreement involves a lease of five or more items as a set, in one agreement, a statement of the aggregate cash price of all items shall satisfy this requirement;

(g) The total of initial payments paid or required at or before consummation of the agreement or delivery of the property, whichever is later;

(h) A statement that the total of payments does not include other charges, such as late payment, default, pickup, and reinstatement fees, which fees shall be separately disclosed in the contract;

(i) A statement clearly summarizing the terms of the consumer's option to purchase, including a statement that the consumer has the right to exercise an early purchase option and the price, formula, or method for determining the price at which the property may be so purchased;

(j) A statement identifying the party responsible for maintaining or servicing the property while it is being leased, together with a description of that responsibility, and a statement that if any part of a manufacturer's express warranty covers the lease property at the time the consumer acquires ownership of the property, it shall be transferred to the consumer, if allowed by the terms of the warranty;

(k) The date of the transaction and the identities of the lessor and consumer;

(l) A statement that the consumer may terminate the agreement without penalty by voluntarily surrendering or returning the property in good repair upon expiration of any lease term along with any past due rental payments; and

(m) Notice of the right to reinstate an agreement as herein provided.

(2) With respect to matters specifically governed by the federal consumer credit protection act, compliance with the act satisfies the requirements of this section. [1992 c 134 s 5.]

RCW 63.19.050 Agreement—Restrictions. A lease-purchase agreement may not contain:

(1) A confession of judgment;

(2) A negotiable instrument;

(3) A security interest or any other claim of a property interest in any goods except those goods delivered by the lessor pursuant to the lease-purchase agreement;

(4) A wage assignment;

(5) A waiver by the consumer of claims or defenses; or

(6) A provision authorizing the lessor or a person acting on the lessor's behalf to enter upon the consumer's premises or to commit any breach of the peace in the repossession of goods. [1992 c 134 s 6.]

RCW 63.19.060 Consumer—Reinstatement of agreement—Terms. (1) A consumer who fails to make a timely rental payment may reinstate the agreement, without losing any rights or options that exist under the agreement, by the payment of:

(a) All past due rental charges;

(b) If the property has been picked up, the reasonable costs of pickup and redelivery; and

(c) Any applicable late fee, within ten days of the renewal date if the consumer pays monthly, or within five days of the renewal date if the consumer pays more frequently than monthly.

(2) In the case of a consumer who has paid less than two-thirds of the total of payments necessary to acquire ownership and where the consumer has returned or voluntarily surrendered the property, other than through judicial process, during the applicable reinstatement period set forth in subsection (1) of this section, the consumer may reinstate the agreement during a period of not less than twenty-one days after the date of the return of the property.

(3) In the case of a consumer who has paid two-thirds or more of the total of payments necessary to acquire ownership, and where the consumer has returned or voluntarily surrendered the property, other than through judicial process, during the applicable period set forth in subsection (1) of this section, the consumer may reinstate the agreement during a period of not less than forty-five days after the date of the return of the property.

(4) Nothing in this section shall prevent a lessor from attempting to repossess property during the reinstatement period, but such a repossession shall not affect the consumer's right to reinstate. Upon reinstatement, the lessor shall provide the consumer with the same property or substitute property of comparable quality and condition. [1992 c 134 s 7.]

RCW 63.19.070 Written receipt—Lessor's duty. A lessor shall provide the consumer a written receipt for each payment made by cash or money order. [1992 c 134 s 8.]

RCW 63.19.080 Renegotiation—Same lessor and consumer. (1) A renegotiation shall occur when an existing lease-purchase agreement is satisfied and replaced by a new agreement undertaken by the same lessor and consumer. A renegotiation shall be considered a new agreement requiring new disclosures. However, events such as the following shall not be treated as renegotiations:

(a) The addition or return of property in a multiple-item agreement or the substitution of the lease property, if in either case the average payment allocable to a payment period is not changed by more than twenty-five percent;

(b) A deferral or extension of one or more periodic payments, or portions of a periodic payment;

(c) A reduction in charges in the lease or agreement; and

(d) A lease or agreement involved in a court proceeding.

(2) No disclosures are required for any extension of a lease-purchase agreement. [1992 c 134 s 9.]

RCW 63.19.090 Advertising—Requirements—Liability. (1) If an advertisement for a lease-purchase agreement refers to or states the dollar amount of any payment and the right to acquire ownership for any one specific item, the advertisement shall also clearly and conspicuously state the following items, as applicable:

(a) That the transaction advertised is a lease-purchase agreement;

(b) The total of payments necessary to acquire ownership; and

(c) That the consumer acquires no ownership rights if the total amount necessary to acquire ownership is not paid.

(2) Any owner or personnel of any medium in which an advertisement appears or through which it is disseminated shall not be liable under this section.

(3) The provisions of subsection (1) of this section shall not apply to an advertisement that does not refer to or state the amount of any payment, or which is published in the yellow pages of a telephone directory or in any similar directory of business. [1992 c 134 s 10.]

RCW 63.19.100 Upholstered furniture or bedding. Upon the return of leased upholstered furniture or bedding, the lessor shall sanitize the property. A lessor shall not lease used upholstered furniture or bedding that has not been sanitized. [1992 c 134 s 11.]

RCW 63.19.110 Violation—Application of chapter 19.86 RCW. The Washington lease-purchase agreement act is a matter affecting the public interest for the purpose of applying chapter 19.86 RCW. The violation of this chapter is not reasonable in relation to the development and preservation of business. A violation of this chapter constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW. [1992 c 134 s 12.]

RCW 63.19.900 Short title—1992 c 134. This act may be known and cited as the Washington lease-purchase agreement act. [1992 c 134 s 1.]

**Chapter 63.21 RCW
LOST AND FOUND PROPERTY**

Sections

- 63.21.010 Procedure where finder wishes to claim found property—Appraisal—Surrender of property—Notice of intent to claim—Publication.
- 63.21.020 Circumstances extinguishing finder's claim to property.
- 63.21.030 Release of property to finder—Limitations—Payment to governmental entity—Expiration of finder's claim.
- 63.21.040 Failure to comply with chapter—Forfeiture of right to property.
- 63.21.050 Duties of chief law enforcement officer receiving found property.
- 63.21.060 Duties of governmental entity acquiring lost property—Disposal of property.
- 63.21.070 Claim to found property by employee, officer, or agent of governmental entity—Limitation.
- 63.21.080 Chapter not applicable to certain unclaimed property.
- 63.21.090 Designation of alternate entity to accept, store, retain, and dispose of found property.

RCW 63.21.010 Procedure where finder wishes to claim found property—Appraisal—Surrender of property—Notice of intent to claim—Publication. (1) Any person who finds property that is not unlawful to possess, the owner of which is unknown, and who wishes to claim the found property, shall:

(a) Within seven days of the finding acquire a signed statement setting forth an appraisal of the current market value of the property prepared by a qualified person engaged in buying or selling like items or by a district court judge, unless the found property is cash; and

(b) Within seven days report the find of property and surrender, if requested, the property and a copy of the evidence of the value of the property to the chief law enforcement officer, his or her designated representative, or other designated entity under RCW 63.21.090, of the governmental entity where the property was found, and serve written notice upon the officer or designee of the finder's intent to claim the property if the owner does not make out his or her right to it under this chapter.

(2) Within thirty days of the report the governmental entity shall cause notice of the finding to be published at least once a week for two successive weeks in a newspaper of general circulation in the county where the property was found, unless the appraised value of the property is less than the cost of publishing notice. If the value is less than the cost of publishing notice, the governmental entity may cause notice to be posted or published in other media or formats that do not incur expense to the governmental entity. [2020 c 26 s 10; 1997 c 237 s 1; 1979 ex.s. c 85 s 1.]

Intent—2020 c 26: See note following RCW 63.21.090.

RCW 63.21.020 Circumstances extinguishing finder's claim to property. The finder's claim to the property shall be extinguished:

(1) If the owner satisfactorily establishes, within sixty days after the find was reported to the appropriate officer or, if so designated under RCW 63.21.090, the appropriate entity, the owner's right to possession of the property; or

(2) If the chief law enforcement officer or designee determines and so informs the finder that the property is illegal for the finder to possess. [2020 c 26 s 11; 1979 ex.s. c 85 s 2.]

Intent—2020 c 26: See note following RCW 63.21.090.

RCW 63.21.030 Release of property to finder—Limitations—Payment to governmental entity—Expiration of finder's claim. (1) The found property shall be released to the finder and become the property of the finder sixty days after the find was reported to the appropriate officer or designee if no owner has been found, or sixty days after the final disposition of any judicial or other official proceeding involving the property, whichever is later. The property shall be released only after the finder has presented evidence of payment to the treasurer of the governmental entity handling the found property, the amount of ten dollars plus the amount of the cost of publication of notice incurred by the governmental entity pursuant to RCW 63.21.010, which amount shall be deposited in the general fund of the governmental entity. If the appraised value of the property is less than the cost of publication of notice of the finding, then the finder is not required to pay any fee.

(2) When ninety days have passed after the found property was reported to the appropriate officer or designee, or ninety days after the final disposition of a judicial or other proceeding involving the found property, and the finder has not completed the requirements of this chapter, the finder's claim shall be deemed to have expired and the found property may be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW. Such laws shall also apply whenever a finder states in writing that he or she has no intention of claiming the found property. [2020 c 26 s 12; 1997 c 237 s 2; 1979 ex.s. c 85 s 3.]

Intent—2020 c 26: See note following RCW 63.21.090.

RCW 63.21.040 Failure to comply with chapter—Forfeiture of right to property. Any finder of property who fails to discharge the duties imposed by this chapter shall forfeit all right to the property and shall be liable for the full value of the property to its owner. [1979 ex.s. c 85 s 4.]

RCW 63.21.050 Duties of chief law enforcement officer receiving found property. (1) The chief law enforcement officer, his or her designated representative, or other designated entity under RCW 63.21.090 to whom a finder surrenders property, must:

(a) Advise the finder if the found property is illegal for him or her to possess;

(b) Advise the finder if the found property is to be held as evidence in judicial or other official proceedings;

(c) Advise the finder in writing of the procedures to be followed in claiming the found property;

(d) If the property is valued at one hundred dollars or less adjusted for inflation under subsection (2) of this section, allow the finder to retain the property if it is determined there is no reason for the officer or designee to retain the property;

(e) If the property exceeds one hundred dollars adjusted for inflation under subsection (2) of this section in value and has been requested to be surrendered to the governmental entity, retain the property for sixty days before it can be claimed by the finder under this chapter, unless the owner has recovered the property;

(f) If the property is held as evidence in judicial or other official proceedings, retain the property for sixty days after the final disposition of the judicial or other official proceeding, before it can be claimed by the finder or owner under the provisions of this chapter;

(g) After the required number of days have passed, and if no owner has been found, surrender the property to the finder according to the requirements of this chapter; or

(h) If neither the finder nor the owner claim the property retained by the officer or designee within thirty days of the time when the claim can be made, the property must be disposed of as unclaimed property under chapter 63.32 or 63.40 RCW.

(2) (a) The office of financial management must adjust the dollar thresholds established in subsection (1) (d) and (e) of this section for inflation every five years, beginning July 1, 2025, based upon changes in the Seattle consumer price index during that time period. The office of financial management must calculate the new dollar threshold and transmit the new dollar threshold, rounded up to the nearest dollar, to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(b) For the purposes of determining the thresholds in subsection (1) (d) and (e) of this section, the chief law enforcement officer, his or her designated representative, or other designated entity under RCW 63.21.090 must use the latest thresholds published by the office of financial management in the Washington State Register under (a) of this subsection. [2020 c 26 s 13; 2019 c 30 s 1; 1979 ex.s. c 85 s 5.]

Intent—2020 c 26: See note following RCW 63.21.090.

RCW 63.21.060 Duties of governmental entity acquiring lost property—Disposal of property. Any governmental entity that acquires lost property shall attempt to notify the apparent owner of the property. If the property is not returned to a person validly establishing ownership or right to possession of the property, the governmental entity shall forward the lost property within thirty days but not less than ten days after the time the governmental entity acquires the lost property to the chief law enforcement officer, his or her designated representative, or other designated entity under *RCW 63.32.060, of the county in which the property was found, except that if the property is found within the borders of a city or town the property shall be forwarded to the chief law enforcement officer of the city or town, his or her designated representative, or other

entity of the city or town so designated under RCW 63.21.090. A governmental entity may elect to retain property which it acquires and dispose of the property as provided by chapter 63.32 or 63.40 RCW. [2020 c 26 s 14; 1979 ex.s. c 85 s 6.]

***Reviser's note:** The reference to RCW 63.32.060 appears to be erroneous. RCW 63.21.090 was apparently intended.

Intent—2020 c 26: See note following RCW 63.21.090.

RCW 63.21.070 Claim to found property by employee, officer, or agent of governmental entity—Limitation. An employee, officer, or agent of a governmental entity who finds or acquires any property covered by this chapter while acting within the course of his or her employment may not claim possession of the lost property as a finder under this chapter unless the governing body of the governmental entity has specifically provided, by ordinance, resolution, or rule for such a claim. [1979 ex.s. c 85 s 7.]

RCW 63.21.080 Chapter not applicable to certain unclaimed property. This chapter shall not apply to:

- (1) Motor vehicles under chapter 46.52 RCW;
- (2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW;
- (3) Uniform disposition of unclaimed property under *chapter 63.29 RCW;
- (4) Secured vessels under chapter 79A.65 RCW; and
- (5) Crab or other shellfish pots in coastal marine or Puget Sound waters under RCW 77.70.500. [2010 c 193 s 6; 2009 c 355 s 2; 1994 c 51 s 6; 1985 c 7 s 125; 1979 ex.s. c 85 s 8.]

***Reviser's note:** Chapter 63.29 RCW was repealed in its entirety by 2022 c 225 s 1505, effective January 1, 2023. For later enactment, see chapter 63.30 RCW.

RCW 63.21.090 Designation of alternate entity to accept, store, retain, and dispose of found property. (1) Except as provided in subsection (2) of this section, a county, city, or town may designate an alternate department or governmental entity to accept, store, retain, and dispose of found property as required under this chapter, rather than the chief law enforcement officer or his or her designee, so long as the alternate department or governmental entity complies with the requirements and procedures under this chapter.

(2) Regardless of whether a county, city, or town designates an alternate department or governmental entity under subsection (1) of this section, the chief law enforcement officer or his or her designated representative is responsible for retaining any of the following types of property in accordance with the requirements of this chapter: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. A county, city, or town designating an alternate department or governmental entity under subsection (1) of this section shall establish procedures for ensuring

these types of property are directed to the chief law enforcement officer or his or her designated representative. [2020 c 26 s 15.]

Intent—2020 c 26: "The legislature recognizes that proper storage and preservation of evidence, including maintaining chain of custody requirements, are critical to any successful investigation and prosecution. Unreported sexual assault kits are, therefore, most appropriately stored and preserved by law enforcement agencies. The legislature further recognizes that some agencies are facing storage capacity constraints. Agencies are currently responsible for storing found property, regardless if the property is associated with a criminal investigation. Therefore, the legislature hereby intends to provide flexibility for local governments to designate an alternate entity to store found property in order to allow those agencies with capacity issues to prioritize storage space for evidence and potential evidence in criminal investigations." [2020 c 26 s 9.]

Chapter 63.24 RCW
UNCLAIMED PROPERTY IN HANDS OF BAILEE

Sections

- 63.24.150 Notice to owner.
63.24.160 Disposition of unclaimed property—Donation to charitable organization or transmittal to police or sheriff.
63.24.170 Bailee not liable to owner—Reimbursed for reasonable costs.

Abandoned inmate personal property: Chapter 63.42 RCW.

Unclaimed property in hands of state patrol: Chapter 63.35 RCW.

RCW 63.24.150 Notice to owner. Unless otherwise provided between the parties, if personal property deposited with a bailee is unclaimed for a period of thirty days, the bailee shall notify the owner, if known, either personally or by mail that the property is subject to disposition under RCW 63.24.160. [1981 c 154 s 4.]

RCW 63.24.160 Disposition of unclaimed property—Donation to charitable organization or transmittal to police or sheriff. If property not covered by chapter 63.26 RCW remains unclaimed sixty days after notice is given, or, if the owner's identity or address is unknown, sixty days from when notice was attempted, the bailee shall:

- (1) If the reasonable aggregate value of the unclaimed property is less than one hundred dollars, donate the property, or proceeds thereof, to a charitable organization exempt from federal income tax under the federal internal revenue code; or
- (2) If the reasonable aggregate value of the unclaimed property is one hundred dollars or more, forward the property to the chief of police or sheriff for disposition as unclaimed property under chapter 63.32 or 63.40 RCW. [1988 c 226 s 1; 1981 c 154 s 5.]

RCW 63.24.170 Bailee not liable to owner—Reimbursed for reasonable costs. A bailee is not liable to the owner for unclaimed property disposed of in good faith in accordance with the requirements of this chapter. A bailee shall be reimbursed from the proceeds of sale of any unclaimed property disposed of under RCW 63.24.160 for the reasonable costs or charges for any goods or services provided by the bailee regarding the property, and for the costs to provide notice to the owner. [1990 c 41 s 1; 1981 c 154 s 6.]

Chapter 63.26 RCW
UNCLAIMED PROPERTY HELD BY MUSEUM OR HISTORICAL SOCIETY

Sections

- 63.26.010 Definitions.
- 63.26.020 Abandoned property—Notice.
- 63.26.030 Loaned property deemed donated—Notice of owner's change of address—Notice of provisions of chapter.
- 63.26.040 Notice of abandonment of property.
- 63.26.050 Vesting of title in museum or historical society—
Subsequent purchase from museum or historical society.

RCW 63.26.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Museum or historical society" means an institution operated by a nonprofit corporation, nonprofit association, or public agency, primarily educational, scientific, historic, or aesthetic in purpose, which owns, borrows, studies, or cares for tangible objects, including archives, and exhibits them as appropriate.

(2) "Property" includes all documents and tangible objects, animate and inanimate, under the care of a museum or historical society which have intrinsic scientific, historic, artistic, or cultural value. [1988 c 226 s 3.]

RCW 63.26.020 Abandoned property—Notice. Any property held by a museum or historical society within the state, other than by terms of a loan agreement, that has been held for five years or more and has remained unclaimed shall be deemed to be abandoned. Such property shall become the property of the museum or historical society if the museum or society has given notice pursuant to RCW 63.26.040 and no assertion of title has been filed for the property within ninety days from the date of the second published notice. [1988 c 226 s 4.]

RCW 63.26.030 Loaned property deemed donated—Notice of owner's change of address—Notice of provisions of chapter. (1) Property subject to a loan agreement which is on loan to a museum or historical society shall be deemed to be donated to the museum or society if no claim is made or action filed to recover the property after termination or expiration of the loan and if the museum or society has given notice pursuant to RCW 63.26.040 and no assertion of title has been filed within ninety days from the date of the second published notice.

(2) A museum or society may terminate a loan of property if the property was loaned to the museum or society for an indefinite term and the property has been held by the museum or society for five years or more. Property on "permanent loan" shall be deemed to be loaned for an indefinite term.

(3) If property was loaned to the museum or society for a specified term, the museum or society may give notice of termination of the loan at any time after expiration of the specified term.

(4) It is the responsibility of the owner of property on loan to a museum or society to notify the museum or society promptly in writing of any change of address or change in ownership of the property.

(5) When a museum or society accepts a loan of property, the museum or society shall inform the owner in writing of the provisions of this chapter. [1988 c 226 s 5.]

RCW 63.26.040 Notice of abandonment of property. (1) When a museum or historical society is required to give notice of abandonment of property or of termination of a loan, the museum or historical society shall mail such notice by certified mail, return receipt requested, to the last known owner at the most recent address of such owner as shown on the museum's or society's records. If the museum or society has no address on record, or the museum or society does not receive written proof of receipt of the mailed notice within thirty days of the date the notice was mailed, the museum or society shall publish notice, at least once each week for two consecutive weeks, in a newspaper of general circulation in both the county in which the museum is located and the county in which the last known address, if available, of the owner is located.

(2) The published notice shall contain:

(a) A description of the unclaimed property;

(b) The name and last known address of the owner;

(c) A request that all persons who may have any knowledge of the whereabouts of the owner provide written notice to the museum or society; and

(d) A statement that if written assertion of title is not presented by the owner to the museum or society within ninety days from the date of the second published notice, the property shall be deemed abandoned or donated and shall become the property of the museum or society.

(3) For purposes of this chapter, if the loan of property was made to a branch of a museum or society, the museum or society is deemed to be located in the county in which the branch is located. Otherwise the museum or society is located in the county in which it has its principal place of business. [1988 c 226 s 6.]

RCW 63.26.050 Vesting of title in museum or historical society— Subsequent purchase from museum or historical society. (1) If no written assertion of title has been presented by the owner to the museum or society within ninety days from the date of the second published notice, title to the property shall vest in the museum or historical society, free of all claims of the owner and of all persons claiming under the owner.

(2) One who purchases or otherwise acquires property from a museum or historical society acquires good title to the property if the museum or society has acquired title to the property under this chapter. [1988 c 226 s 7.]

Chapter 63.30 RCW
REVISED UNIFORM UNCLAIMED PROPERTY ACT

Sections

- 63.30.010 Definitions.
- 63.30.020 Inapplicability to foreign transaction.
- 63.30.030 Rule making.
- 63.30.040 Property presumed abandoned.
- 63.30.050 Tax deferred retirement account presumed abandoned.
- 63.30.060 Other tax deferred account presumed abandoned.
- 63.30.070 Custodial account for minor presumed abandoned.
- 63.30.080 Contents of safe deposit box presumed abandoned.
- 63.30.090 Stored value card presumed abandoned.
- 63.30.100 Security presumed abandoned.
- 63.30.110 Related property presumed abandoned.
- 63.30.120 Indication of apparent owner interest in property.
- 63.30.130 Knowledge of death of insured or annuitant.
- 63.30.140 Deposit account for proceeds of insurance policy or annuity contract.
- 63.30.150 Address of apparent owner to establish priority.
- 63.30.160 Address of apparent owner in Washington state.
- 63.30.170 Records showing multiple addresses of apparent owner.
- 63.30.180 Holder domiciled in Washington state.
- 63.30.190 Custody if transaction takes place in Washington state.
- 63.30.200 Traveler's check, money order, or similar instrument.
- 63.30.210 Burden of proof to establish administrator's right to custody.
- 63.30.220 Report required by holder.
- 63.30.230 Content of report.
- 63.30.240 When report to be filed.
- 63.30.250 Retention of records by holder.
- 63.30.260 Property reportable and payable or deliverable absent owner demand.
- 63.30.270 Abandoned intangible property held by local government.
- 63.30.280 Notice to apparent owner by holder.
- 63.30.290 Contents of notice by holder.
- 63.30.300 Notice by administrator.
- 63.30.310 Cooperation among state officers and agencies to locate apparent owner.
- 63.30.320 Good faith.
- 63.30.330 Dormancy charge.
- 63.30.340 Payment or delivery of property to administrator.
- 63.30.350 Effect of payment or delivery of property to administrator.
- 63.30.360 Recovery of property by holder from administrator.
- 63.30.370 Property removed from safe deposit box.
- 63.30.380 Crediting income or gain to owner's account.
- 63.30.390 Administrator's options as to custody.
- 63.30.400 Disposition of property having no substantial value—
Immunity from liability.
- 63.30.410 Periods of limitation and repose.
- 63.30.420 Public sale of property.
- 63.30.430 Disposal of securities.
- 63.30.440 Recovery of securities or value by owner.
- 63.30.450 Purchaser owns property after sale.
- 63.30.460 Military medal or decoration.

63.30.470 Deposit of funds by administrator.
 63.30.480 Administrator to retain records of property.
 63.30.490 Expenses and service charges of administrator.
 63.30.500 Administrator holds property as custodian for owner.
 63.30.510 Claim of another state to recover property.
 63.30.520 Property subject to recovery by another state.
 63.30.530 Claim for property by person claiming to be owner.
 63.30.540 Administrator must honor claim for property, when.
 63.30.550 Allowance of claim for property.
 63.30.560 Action by person whose claim is denied.
 63.30.570 Verified report of property.
 63.30.580 Examination of records to determine compliance.
 63.30.590 Rules for conducting examination.
 63.30.600 Records obtained in examination.
 63.30.610 Evidence of unpaid debt or undischarged obligation.
 63.30.620 Failure of person examined to retain records.
 63.30.630 Report to person whose records were examined.
 63.30.640 Complaint to administrator about conduct of person
 conducting examination.
 63.30.650 Administrator's contract with another to conduct
 examination.
 63.30.660 Limit on future employment.
 63.30.670 Report by administrator to state official.
 63.30.680 Determination of liability for unreported reportable
 property.
 63.30.690 Interest and penalties.
 63.30.700 Waiver.
 63.30.710 Informal conference.
 63.30.720 Review of administrator's determination.
 63.30.730 Administrative review.
 63.30.740 Judicial remedy.
 63.30.750 Judicial action to enforce liability.
 63.30.760 Interstate and international agreement—Cooperation.
 63.30.770 Action involving another state or foreign country.
 63.30.780 Agreement to locate property enforceable.
 63.30.790 Agreement to locate property void, when.
 63.30.800 Right of agent of apparent owner to recover property held
 by administrator.
 63.30.810 Definitions—Applicability.
 63.30.820 Confidential information.
 63.30.830 When confidential information may be disclosed.
 63.30.840 Confidentiality agreement.
 63.30.850 No confidentiality information in notice.
 63.30.860 Security of information.
 63.30.870 Security breach.
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 63.30.890 Right to enter into an agreement.
 63.30.900 Short title.
 63.30.905 Uniformity of application and construction—2022 c 225.
 63.30.910 Relation to electronic signatures in global and national
 commerce act.
 63.30.915 Transitional provision.
 63.30.920 Conflict with federal requirements—2022 c 225.
 63.30.925 Effective date—2022 c 225.

RCW 63.30.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the department of revenue established under RCW 82.01.050.

(2) "Administrator's agent" means a person with which the administrator contracts to conduct an examination under RCW 63.30.570 through 63.30.690 on behalf of the administrator. The term includes an independent contractor of the person and each individual participating in the examination on behalf of the person or contractor.

(3) "Apparent owner" means a person whose name appears on the records of a holder as the owner of property held, issued, or owing by the holder.

(4) "Business association" means a corporation, joint stock company, investment company other than an investment company registered under the investment company act of 1940, as amended, 15 U.S.C. Secs. 80a-1 through 80a-64, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, federally chartered entity, utility, sole proprietorship, or other business entity, whether or not for profit.

(5) "Confidential information" means records, reports, and information that are confidential under RCW 63.30.820.

(6) "Domicile" means:

(a) For a corporation, the state of its incorporation;

(b) For a business association whose formation requires a filing with a state, other than a corporation, the state of the principal place of business of such a business association, if formed under the laws of a state other than the state in which its principal place of business is located, unless determined to be otherwise by a court of competent jurisdiction;

(c) For a federally chartered entity or an investment company registered under the investment company act of 1940, as amended, 15 U.S.C. Secs. 80a-1 through 80a-64, the state of its home office; and

(d) For any other holder, the state of its principal place of business.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(8) "Email" means a communication by electronic means which is automatically retained and stored and may be readily accessed or retrieved.

(9) "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization, or credit union.

(10) "Game-related digital content" means digital content that exists only in an electronic game or electronic game platform. The term:

(a) Includes:

(i) Game-play currency such as a virtual wallet, even if denominated in United States currency; and

(ii) The following if for use or redemption only within the game or platform or another electronic game or electronic game platform:

(A) Points sometimes referred to as gems, tokens, gold, and similar names; and

(B) Digital codes; and

(b) Does not include an item that the issuer:

(i) Permits to be redeemed for use outside a game or platform for:

(A) Money; or

(B) Goods or services that have more than minimal value; or

(ii) Otherwise monetizes for use outside a game or platform.

(11) "Gift certificate" means a record described in RCW 19.240.010, and includes both gift cards and gift certificates, including both tangible instruments and electronic records.

(12) "Holder" means a person obligated to hold for the account of, or to deliver or pay to, the owner, property subject to this chapter.

(13) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and worker compensation insurance.

(14) "Loyalty card" means a record given without direct monetary consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional program which may be used or redeemed only to obtain goods or services or a discount on goods or services. The term does not include a record that may be redeemed for money or otherwise monetized by the issuer.

(15) "Mineral" means gas, oil, coal, oil shale, other gaseous liquid or solid hydrocarbon, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, and any other substance defined as a mineral by law of this state other than this chapter.

(16) "Mineral proceeds" means an amount payable for extraction, production, or sale of minerals, or, on the abandonment of the amount, an amount that becomes payable after abandonment. The term includes an amount payable:

(a) For the acquisition and retention of a mineral lease, including a bonus, royalty, compensatory royalty, shut-in royalty, minimum royalty, and delay rental;

(b) For the extraction, production, or sale of minerals, including a net revenue interest, royalty, overriding royalty, extraction payment, and production payment; and

(c) Under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farm-out agreement.

(17) "Money order" means a payment order for a specified amount of money. The term includes an express money order and a personal money order on which the remitter is the purchaser.

(18) "Municipal bond" means a bond or evidence of indebtedness issued by a municipality or other political subdivision of a state.

(19) "Net card value" means the original purchase price or original issued value of a stored value card, plus amounts added to the original price or value, minus amounts used and any service charge, fee, or dormancy charge permitted by law.

(20) "Nonfreely transferable security" means a security that cannot be delivered to the administrator by the depository trust clearing corporation or similar custodian of securities providing posttrade clearing and settlement services to financial markets or

cannot be delivered because there is no agent to effect transfer. The term includes a worthless security.

(21) "Owner" means a person that has a legal, beneficial, or equitable interest in property subject to this chapter or the person's legal representative when acting on behalf of the owner. The term includes:

- (a) A depositor, for a deposit;
- (b) A beneficiary, for a trust other than a deposit in trust;
- (c) A creditor, claimant, or payee, for other property; and
- (d) The lawful bearer of a record that may be used to obtain money, a reward, or a thing of value.

(22) "Payroll card" means a record that evidences a payroll card account as defined in Regulation E, 12 C.F.R. Part 1005, as it existed on January 1, 2023.

(23) "Person" means an individual, estate, business association, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(24) "Property" means tangible property described in RCW 63.30.080 or a fixed and certain interest in intangible property held, issued, or owed in the course of a holder's business or by a government, governmental subdivision, agency, or instrumentality. The term:

- (a) Includes all income from or increments to the property;
- (b) Includes property referred to as or evidenced by:
 - (i) Money, virtual currency, interest, or a dividend, check, draft, deposit, or payroll card;
 - (ii) A credit balance, customer's overpayment, stored value card, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds, or unidentified remittance;
 - (iii) A security except for:
 - (A) A worthless security; or
 - (B) A security that is subject to a lien, legal hold, or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold, or restriction restricts the holder's or owner's ability to receive, transfer, sell, or otherwise negotiate the security;
 - (iv) A bond, debenture, note, or other evidence of indebtedness;
 - (v) Money deposited to redeem a security, make a distribution, or pay a dividend;
 - (vi) An amount due and payable under an annuity contract or insurance policy; and
 - (vii) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit-sharing, employee savings, supplemental unemployment insurance, or a similar benefit; and
- (c) Does not include:
 - (i) Property held in a plan described in section 529A of the internal revenue code, as it existed on January 1, 2023, 26 U.S.C. Sec. 529A;
 - (ii) Game-related digital content;
 - (iii) A loyalty card;
 - (iv) A gift certificate complying with chapter 19.240 RCW;
 - (v) Store credit for returned merchandise; and
 - (vi) A premium paid by an agricultural fair by check. For the purposes of this subsection, the following definitions apply:

(A) "Agricultural fair" means a fair or exhibition that is intended to promote agriculture by including a balanced variety of exhibits of livestock and agricultural products, as well as related manufactured products and arts, including products of the farm home and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farmers and rural living; and

(B) "Premium" means an amount paid for exhibits and educational contests, displays, and demonstrations of an educational nature. A "premium" does not include judges' fees and expenses; livestock sale revenues; or prizes or amounts paid for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

(25) "Putative holder" means a person believed by the administrator to be a holder, until the person pays or delivers to the administrator property subject to this chapter or the administrator or a court makes a final determination that the person is or is not a holder.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Security" means:

(a) A security as defined in RCW 62A.8-102;

(b) A security entitlement as defined in RCW 62A.8-102, including a customer security account held by a registered broker-dealer, to the extent the financial assets held in the security account are not:

(i) Registered on the books of the issuer in the name of the person for which the broker-dealer holds the assets;

(ii) Payable to the order of the person; or

(iii) Specifically indorsed to the person; or

(c) An equity interest in a business association not included in (a) or (b) of this subsection.

(28) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Stored value card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services, or money will be provided to the owner of the record to the value or amount shown in the record. The term:

(a) Includes:

(i) A record that contains or consists of a microprocessor chip, magnetic strip, or other means for the storage of information, which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; and

(ii) A payroll card; and

(b) Does not include a loyalty card, gift certificate, or game-related digital content.

(31) "Utility" means a person that owns or operates for public use a plant, equipment, real property, franchise, or license for the following public services:

(a) Transmission of communications or information;

(b) Production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas; or

(c) Provision of sewage or septic services, or trash, garbage, or recycling disposal.

(32) "Virtual currency" means a digital representation of value used as a medium of exchange, unit of account, or store of value, which does not have legal tender status recognized by the United States. The term does not include:

(a) The software or protocols governing the transfer of the digital representation of value;

(b) Game-related digital content; or

(c) A loyalty card or gift certificate.

(33) "Worthless security" means a security whose cost of liquidation and delivery to the administrator would exceed the value of the security on the date a report is due under this chapter. [2022 c 225 s 102.]

RCW 63.30.020 Inapplicability to foreign transaction. This chapter does not apply to property held, due, and owing in a foreign country if the transaction out of which the property arose was a foreign transaction. [2022 c 225 s 103.]

RCW 63.30.030 Rule making. The administrator may adopt rules under chapter 34.05 RCW to implement and administer this chapter. [2022 c 225 s 104.]

RCW 63.30.040 Property presumed abandoned. Subject to RCW 63.30.120, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

(1) A traveler's check, 15 years after issuance;

(2) A money order, five years after issuance;

(3) A state or municipal bond, bearer bond, or original issue discount bond, three years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;

(4) A debt of a business association, three years after the obligation to pay arises;

(5) A demand, savings, or time deposit, including a deposit that is automatically renewable, three years after the later of maturity, if applicable, of the deposit or the owner's last indication of interest in the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;

(6) Money or a credit owed to a customer as a result of a retail business transaction, three years after the obligation arose;

(7) An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:

(a) With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:

(i) The insurance company has knowledge of the death of the insured; or

(ii) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and

(b) With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant;

(8) Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;

(9) Property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;

(10) Property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;

(11) Wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;

(12) A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable;

(13) Payroll card, one year after the amount becomes payable;

(14) Excess proceeds from the sale of property by an owner of a self-service storage facility conducted pursuant to RCW 19.150.080, six months from the date of sale;

(15) Excess income from the sale of tenant property by a landlord conducted pursuant to RCW 59.18.312 and 59.18.595, one year from the date of the sale;

(16) Excess funds from the sale of an abandoned vessel by an operator of a private moorage facility conducted pursuant to RCW 88.26.020, one year from the date of the sale; and

(17) Property not specified in this section or RCW 63.30.050 through 63.30.100, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises. [2023 c 258 s 8; 2022 c 225 s 201.]

Retroactive application—2023 c 258 ss 2-8, 10, and 11: See note following RCW 19.150.060.

RCW 63.30.050 Tax deferred retirement account presumed abandoned. (1) Subject to RCW 63.30.120, property held in a pension account or retirement account that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three years after the later of:

(a) The following dates:

(i) Except as in (a)(ii) of this subsection, the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States postal service; or

(ii) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States postal service; or

(b) The earlier of the following dates:

(i) The date the apparent owner becomes 72 years of age, if determinable by the holder; or

(ii) If the internal revenue code, as it existed on January 1, 2023, 26 U.S.C. Sec. 1 et seq., requires distribution to avoid a tax penalty, two years after the date the holder:

(A) Receives confirmation of the death of the apparent owner in the ordinary course of its business; or

(B) Confirms the death of the apparent owner under subsection (2) of this section.

(2) If a holder in the ordinary course of its business receives notice or an indication of the death of an apparent owner and subsection (1)(b) of this section applies, the holder shall attempt not later than 90 days after receipt of the notice or indication to confirm whether the apparent owner is deceased.

(3) If the holder does not send communications to the apparent owner of an account described in subsection (1) of this section by first-class United States mail, the holder shall attempt to confirm the apparent owner's interest in the property by sending the apparent owner an email communication not later than two years after the apparent owner's last indication of interest in the property. However, the holder promptly shall attempt to contact the apparent owner by first-class United States mail if:

(a) The holder does not have information needed to send the apparent owner an email communication or the holder believes that the apparent owner's email address in the holder's records is not valid;

(b) The holder receives notification that the email communication was not received; or

(c) The apparent owner does not respond to the email communication not later than 30 days after the communication was sent.

(4) If first-class United States mail sent under subsection (3) of this section is returned to the holder undelivered by the United States postal service, the property is presumed abandoned three years after the later of:

(a) Except as in (b) of this subsection, the date a second consecutive communication to contact the apparent owner sent by first-class United States mail is returned to the holder undelivered;

(b) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or

(c) The date established by subsection (1)(b) of this section.

(5) This section does not apply to property held in a pension account or retirement account established by the state of Washington or any local governmental entity under chapter 41.28 RCW. [2022 c 225 s 202.]

RCW 63.30.060 Other tax deferred account presumed abandoned.

Subject to RCW 63.30.120 and except for property described in RCW 63.30.050 and property held in a plan described in section 529A of the internal revenue code, as it existed on January 1, 2023, 26 U.S.C. Sec. 529A, property held in an account or plan, including a health savings account, that qualifies for tax deferral under the income tax laws of the United States is presumed abandoned if it is unclaimed by the apparent owner three years after the earlier of:

(1) The date, if determinable by the holder, specified in the income tax laws and regulations of the United States by which

distribution of the property must begin to avoid a tax penalty, with no distribution having been made; or

(2) Thirty years after the date the account was opened. [2022 c 225 s 203.]

RCW 63.30.070 Custodial account for minor presumed abandoned.

(1) Subject to RCW 63.30.120, property held in an account established under a state's uniform gifts to minors act or uniform transfers to minors act is presumed abandoned if it is unclaimed by or on behalf of the minor on whose behalf the account was opened three years after the later of:

(a) Except as in (b) of this subsection, the date a second consecutive communication sent by the holder by first-class United States mail to the custodian of the minor on whose behalf the account was opened is returned undelivered to the holder by the United States postal service;

(b) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered; or

(c) The date on which the custodian is required to transfer the property to the minor or the minor's estate in accordance with the uniform gifts to minors act or uniform transfers to minors act of the state in which the account was opened.

(2) If the holder does not send communications to the custodian of the minor on whose behalf an account described in subsection (1) of this section was opened by first-class United States mail, the holder shall attempt to confirm the custodian's interest in the property by sending the custodian an email communication not later than two years after the custodian's last indication of interest in the property. However, the holder promptly shall attempt to contact the custodian by first-class United States mail if:

(a) The holder does not have information needed to send the custodian an email communication or the holder believes that the custodian's email address in the holder's records is not valid;

(b) The holder receives notification that the email communication was not received; or

(c) The custodian does not respond to the email communication not later than 30 days after the communication was sent.

(3) If first-class United States mail sent under subsection (2) of this section is returned undelivered to the holder by the United States postal service, the property is presumed abandoned three years after the later of:

(a) The date a second consecutive communication to contact the custodian by first-class United States mail is returned to the holder undelivered by the United States postal service; or

(b) The date established by subsection (1)(c) of this section.

(4) When the property in the account described in subsection (1) of this section is transferred to the minor on whose behalf an account was opened or to the minor's estate, the property in the account is no longer subject to this section. [2022 c 225 s 204.]

RCW 63.30.080 Contents of safe deposit box presumed abandoned.

Tangible property held in a safe deposit box and proceeds from a sale of the property by the holder permitted by law of this state other

than this chapter are presumed abandoned if the property remains unclaimed by the apparent owner five years after the earlier of the:

- (1) Expiration of the lease or rental period for the box; or
- (2) Earliest date when the lessor of the box is authorized by law of this state other than this chapter to enter the box and remove or dispose of the contents without consent or authorization of the lessee. [2022 c 225 s 205.]

RCW 63.30.090 Stored value card presumed abandoned. (1) Subject to RCW 63.30.120, the net card value of a stored value card, other than a payroll card, is presumed abandoned on the latest of three years after:

(a) December 31st of the year in which the card is issued or additional funds are deposited into it;

(b) The most recent indication of interest in the card by the apparent owner; or

(c) A verification or review of the balance by or on behalf of the apparent owner.

(2) The amount presumed abandoned in a stored value card is the net card value at the time it is presumed abandoned. [2022 c 225 s 206.]

RCW 63.30.100 Security presumed abandoned. (1) Subject to RCW 63.30.120, a security is presumed abandoned three years after:

(a) The date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States postal service; or

(b) If the second communication is made later than 30 days after the first communication is returned, the date the first communication is returned undelivered to the holder by the United States postal service.

(2) If the holder does not send communications to the apparent owner of a security by first-class United States mail, the holder shall attempt to confirm the apparent owner's interest in the security by sending the apparent owner an email communication not later than two years after the apparent owner's last indication of interest in the security. However the holder promptly shall attempt to contact the apparent owner by first-class United States mail if:

(a) The holder does not have information needed to send the apparent owner an email communication or the holder believes that the apparent owner's email address in the holder's records is not valid;

(b) The holder receives notification that the email communication was not received; or

(c) The apparent owner does not respond to the email communication not later than 30 days after the communication was sent.

(3) If first-class United States mail sent under subsection (2) of this section is returned to the holder undelivered by the United States postal service, the security is presumed abandoned three years after the date the mail is returned. [2022 c 225 s 207.]

RCW 63.30.110 Related property presumed abandoned. At and after the time property is presumed abandoned under this chapter, any other property right or interest accrued or accruing from the property and

not previously presumed abandoned is also presumed abandoned. [2022 c 225 s 208.]

RCW 63.30.120 Indication of apparent owner interest in property.

(1) The period after which property is presumed abandoned is measured from the later of:

(a) The date the property is presumed abandoned under this section and RCW 63.30.040 through 63.30.110, 63.30.130, and 63.30.140; or

(b) The latest indication of interest by the apparent owner in the property.

(2) Under this chapter, an indication of an apparent owner's interest in property includes:

(a) A record communicated by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held;

(b) An oral communication by the apparent owner to the holder or agent of the holder concerning the property or the account in which the property is held, if the holder or its agent contemporaneously makes and preserves a record of the fact of the apparent owner's communication;

(c) Presentment of a check or other instrument of payment of a dividend, interest payment, or other distribution, or evidence of receipt of a distribution made by electronic or similar means, with respect to an account, underlying security, or interest in a business association;

(d) Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account, or a direction by the apparent owner to increase, decrease, or otherwise change the amount or type of property held in the account;

(e) A deposit into or withdrawal from an account at a financial organization, including an automatic deposit or withdrawal previously authorized by the apparent owner other than an automatic reinvestment of dividends or interest;

(f) Subject to subsection (5) of this section, payment of a premium on an insurance policy; and

(g) Any other action by the apparent owner which reasonably demonstrates to the holder that the apparent owner knows that the property exists.

(3) An action by an agent or other representative of an apparent owner, other than the holder acting as the apparent owner's agent, is presumed to be an action on behalf of the apparent owner.

(4) A communication with an apparent owner by a person other than the holder or the holder's representative is not an indication of interest in the property by the apparent owner unless a record of the communication evidences the apparent owner's knowledge of a right to the property.

(5) If the insured dies or the insured or beneficiary of an insurance policy otherwise becomes entitled to the proceeds before depletion of the cash surrender value of the policy by operation of an automatic premium loan provision or other nonforfeiture provision contained in the policy, the operation does not prevent the policy from maturing or terminating. [2022 c 225 s 209.]

RCW 63.30.130 Knowledge of death of insured or annuitant. (1)

In this section, "death master file" means the United States social security administration death master file or other database or service that is at least as comprehensive as the United States social security administration death master file for determining that an individual reportedly has died.

(2) With respect to a life or endowment insurance policy or annuity contract for which an amount is owed on proof of death, but which has not matured by proof of death of the insured or annuitant, the company has knowledge of the death of an insured or annuitant when:

(a) The company receives a death certificate or court order determining that the insured or annuitant has died;

(b) Due diligence, performed as required under chapter 48.23 RCW and rules promulgated thereunder to maintain contact with the insured or annuitant or determine whether the insured or annuitant has died, validates the death of the insured or annuitant;

(c) The company conducts a comparison for any purpose between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and validates the death;

(d) (i) The administrator or the administrator's agent conducts a comparison for the purpose of finding matches during an examination conducted under RCW 63.30.570 through 63.30.690 between a death master file and the names of some or all of the company's insureds or annuitants, finds a match that provides notice that the insured or annuitant has died, and the company validates the death.

(ii) The administrator or the administrator's agent may not exercise the authority provided in (d) (i) of this subsection (2) when the company has conducted a death master file comparison, relevant to the period under examination, in accordance with (c) of this subsection (2) and subsection (3) of this section; or

(e) The company:

(i) Receives notice of the death of the insured or annuitant from an administrator, beneficiary, policy owner, relative of the insured, or trustee or from a personal representative or other legal representative of the insured's or annuitant's estate; and

(ii) Validates the death of the insured or annuitant.

(3) The following rules apply under this section:

(a) A death master file match under subsection (2) (c) and (d) of this section occurs if the criteria for an exact or partial match are satisfied as provided by:

(i) Law of this state other than this chapter;

(ii) A rule or policy adopted by the office of the insurance commissioner; or

(iii) Absent a law, rule, or policy under (a) (i) or (ii) of this subsection standards in the national conference of insurance legislators' "model unclaimed life insurance benefits act" as published in 2014.

(b) The death master file match does not constitute proof of death for the purpose of submission to an insurance company of a claim by a beneficiary, annuitant, or owner of the policy or contract for an amount due under an insurance policy or annuity contract.

(c) The death master file match or validation of the insured's or annuitant's death does not alter the requirements for a beneficiary, annuitant, or owner of the policy or contract to make a claim to receive proceeds under the terms of the policy or contract.

(d) If no provision in Title 48 RCW or rules promulgated thereunder establishes a time for validation of a death of an insured or annuitant, the insurance company shall make a good faith effort using other available records and information to validate the death and document the effort taken not later than 90 days after the insurance company has notice of the death.

(4) This chapter does not affect the determination of the extent to which an insurance company before January 1, 2023, had knowledge of the death of an insured or annuitant or was required to conduct a death master file comparison to determine whether amounts owed by the company on a life or endowment insurance policy or annuity contract were presumed abandoned or unclaimed. [2022 c 225 s 210.]

RCW 63.30.140 Deposit account for proceeds of insurance policy or annuity contract. If proceeds payable under a life or endowment insurance policy or annuity contract are deposited into an account with check or draft writing privileges for the beneficiary of the policy or contract and, under a supplementary contract not involving annuity benefits other than death benefits, the proceeds are retained by the insurance company or the financial organization where the account is held, the policy or contract includes the assets in the account. [2022 c 225 s 211.]

RCW 63.30.150 Address of apparent owner to establish priority. In this section and RCW 63.30.160 through 63.30.210, the following rules apply:

(1) The last known address of an apparent owner is any description, code, or other indication of the location of the apparent owner which identifies the state, even if the description, code, or indication of location is not sufficient to direct the delivery of first-class United States mail to the apparent owner.

(2) If the United States postal zip code associated with the apparent owner is for a post office located in this state, this state is deemed to be the state of the last known address of the apparent owner unless other records associated with the apparent owner specifically identify the physical address of the apparent owner to be in another state.

(3) If the address under subsection (2) of this section is in another state, the other state is deemed to be the state of the last known address of the apparent owner.

(4) The address of the apparent owner of a life or endowment insurance policy or annuity contract or its proceeds is presumed to be the address of the insured or annuitant if a person other than the insured or annuitant is entitled to the amount owed under the policy or contract and the address of the other person is not known by the insurance company and cannot be determined under RCW 63.30.160. [2022 c 225 s 301.]

RCW 63.30.160 Address of apparent owner in Washington state. The administrator may take custody of property that is presumed abandoned, whether located in this state, another state, or a foreign country if:

(1) The last known address of the apparent owner in the records of the holder is in this state; or

(2) The records of the holder do not reflect the identity or last known address of the apparent owner, but the administrator has determined that the last known address of the apparent owner is in this state. [2022 c 225 s 302.]

RCW 63.30.170 Records showing multiple addresses of apparent owner. (1) Except as in subsection (2) of this section, if records of a holder reflect multiple addresses for an apparent owner and this state is the state of the most recently recorded address, this state may take custody of property presumed abandoned, whether located in this state or another state.

(2) If it appears from records of the holder that the most recently recorded address of the apparent owner under subsection (1) of this section is a temporary address and this state is the state of the next most recently recorded address that is not a temporary address, this state may take custody of the property presumed abandoned. [2022 c 225 s 303.]

RCW 63.30.180 Holder domiciled in Washington state. (1) Except as in subsection (2) of this section or RCW 63.30.160 or 63.30.170, the administrator may take custody of property presumed abandoned, whether located in this state, another state, or a foreign country, if the holder is domiciled in this state or is this state or a governmental subdivision, agency, or instrumentality of this state, and:

(a) Another state or foreign country is not entitled to the property because there is no last known address of the apparent owner or other person entitled to the property in the records of the holder; or

(b) The state or foreign country of the last known address of the apparent owner or other person entitled to the property does not provide for custodial taking of the property.

(2) Property is not subject to custody of the administrator under subsection (1) of this section if the property is specifically exempt from custodial taking under the law of this state or the state or foreign country of the last known address of the apparent owner.

(3) If a holder's state of domicile has changed since the time property was presumed abandoned, the holder's state of domicile in this section is deemed to be the state where the holder was domiciled at the time the property was presumed abandoned. [2022 c 225 s 304.]

RCW 63.30.190 Custody if transaction takes place in Washington state. Except as in RCW 63.30.160, 63.30.170, or 63.30.180, the administrator may take custody of property presumed abandoned whether located in this state or another state if:

(1) The transaction out of which the property arose took place in this state;

(2) The holder is domiciled in a state that does not provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the holder's domicile, the property is not subject to the custody of the administrator; and

(3) The last known address of the apparent owner or other person entitled to the property is unknown or in a state that does not

provide for the custodial taking of the property, except that if the property is specifically exempt from custodial taking under the law of the state of the last known address, the property is not subject to the custody of the administrator. [2022 c 225 s 305.]

RCW 63.30.200 Traveler's check, money order, or similar instrument. The administrator may take custody of sums payable on a traveler's check, money order, or similar instrument presumed abandoned to the extent permissible under 12 U.S.C. Secs. 2501 through 2503, as it existed on January 1, 2023. [2022 c 225 s 306.]

RCW 63.30.210 Burden of proof to establish administrator's right to custody. If the administrator asserts a right to custody of unclaimed property, the administrator has the burden to prove:

- (1) The existence and amount of the property;
- (2) The property is presumed abandoned; and
- (3) The property is subject to the custody of the administrator.

[2022 c 225 s 307.]

RCW 63.30.220 Report required by holder. (1) A holder of property presumed abandoned and subject to the custody of the administrator shall report in a record to the administrator concerning the property.

(2) A holder may contract with a third party to make the report required under subsection (1) of this section.

(3) Whether or not a holder contracts with a third party under subsection (2) of this section, the holder is responsible:

(a) To the administrator for the complete, accurate, and timely reporting of property presumed abandoned; and

(b) For paying or delivering to the administrator property described in the report.

(4) (a) Reports due under this section must be filed electronically in a form or manner provided or authorized by the administrator. However, the administrator, upon request or its own initiative, may relieve any holder or class of holders from the electronic filing requirement under this subsection for good cause as determined by the administrator.

(b) For purposes of this subsection, "good cause" means:

(i) A circumstance or condition exists that, in the administrator's judgment, prevents the holder from electronically filing the report due under this section; or

(ii) The administrator determines that relief from the electronic filing requirement under this subsection supports the efficient or effective administration of this chapter. [2022 c 225 s 401.]

RCW 63.30.230 Content of report. (1) The report required under RCW 63.30.220 must:

(a) Be signed by or on behalf of the holder and verified as to its completeness and accuracy;

(b) If filed electronically, be in a secure format approved by the administrator which protects confidential information of the apparent owner in the same manner as required of the administrator and the administrator's agent under RCW 63.30.810 through 63.30.880;

(c) Describe the property;

(d) Except for a traveler's check, money order, or similar instrument, contain the name, if known, last known address, if known, and social security number or taxpayer identification number, if known or readily ascertainable, of the apparent owner of property with a value of \$50 or more;

(e) For an amount held or owing under a life or endowment insurance policy or annuity contract, contain the name and last known address of the insured, annuitant, or other apparent owner of the policy or contract and of the beneficiary;

(f) For property held in or removed from a safe deposit box, indicate the location of the property, where it may be inspected by the administrator, and any amounts owed to the holder under RCW 63.30.370;

(g) Contain the commencement date for determining abandonment under RCW 63.30.040 through 63.30.140;

(h) State that the holder has complied with the notice requirements of RCW 63.30.280;

(i) Identify property that is a nonfreely transferable security and explain why it is a nonfreely transferable security; and

(j) Contain other information the administrator prescribes by rules.

(2) A report under RCW 63.30.220 may include in the aggregate items valued under \$50 each. If the report includes items in the aggregate valued under \$50 each, the administrator may not require the holder to provide the name and address of an apparent owner of an item unless the information is necessary to verify or process a claim in progress by the apparent owner.

(3) A report under RCW 63.30.220 may include personal information as defined in RCW 63.30.810(1) about the apparent owner or the apparent owner's property to the extent not otherwise prohibited by federal law.

(4) If a holder has changed its name while holding property presumed abandoned or is a successor to another person that previously held the property for the apparent owner, the holder must include in the report under RCW 63.30.220 its former name or the name of the previous holder, if any, and the known name and address of each previous holder of the property. [2022 c 225 s 402.]

RCW 63.30.240 When report to be filed. (1) Except as otherwise provided in subsection (2) of this section and subject to subsection (3) of this section, the report under RCW 63.30.220 must be filed before November 1st of each year and cover the 12 months preceding July 1st of that year.

(2) Subject to subsection (3) of this section, the report under RCW 63.30.220 to be filed by an insurance company must be filed before May 1st of each year for the immediately preceding calendar year.

(3) Before the date for filing the report under RCW 63.30.220, the holder of property presumed abandoned may request the administrator to extend the time for filing. The administrator may grant an extension. If the extension is granted, the holder may pay or make a partial payment of the amount the holder estimates ultimately will be due. The payment or partial payment terminates accrual of interest on the amount paid. [2022 c 225 s 403.]

RCW 63.30.250 Retention of records by holder. A holder required to file a report under RCW 63.30.220 must retain records for six years after the later of the date the report was filed or the last date a timely report was due to be filed, unless a shorter period is provided by rule of the administrator. The holder may satisfy the requirement to retain records under this section through an agent. The records must contain:

- (1) The information required to be included in the report;
- (2) The date, place, and nature of the circumstances that gave rise to the property right;
- (3) The amount or value of the property;
- (4) The last address of the apparent owner, if known to the holder; and
- (5) If the holder sells, issues, or provides to others for sale or issue in this state traveler's checks, money orders, or similar instruments, other than third-party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue. [2022 c 225 s 404.]

RCW 63.30.260 Property reportable and payable or deliverable absent owner demand. Property is reportable and payable or deliverable under this chapter even if the owner fails to make demand or present an instrument or document otherwise required to obtain payment. [2022 c 225 s 405.]

RCW 63.30.270 Abandoned intangible property held by local government. (1) A local government holding abandoned intangible property that is not forwarded to the department of revenue in subsection (2) of this section is not required to maintain current records of this property for longer than five years after the property is presumed abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its general fund. However, the local government remains liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

(2) Counties, cities, towns, and other municipal and quasi-municipal corporations that hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, and property tax overpayments or refunds may retain the funds until the owner notifies them and establishes ownership as provided in this chapter. Counties, cities, towns, or other municipal and quasi-municipal corporations must provide to the administrator a report of property it is holding pursuant to this section. The report must identify the property and owner in the manner provided in this section and RCW 63.30.220 through 63.30.260 and the administrator must publish the information as provided in RCW 63.30.300.

(3) Courts may retain overpayments made in connection with any litigation, including traffic, criminal, and noncriminal matters, for amounts less than or equal to \$10. These overpayments shall be remitted by the clerk of the court to the local treasurer for deposit in the local current expense fund. [2023 c 278 s 1; 2022 c 225 s 406.]

RCW 63.30.280 Notice to apparent owner by holder. (1) Subject to subsection (2) of this section, the holder of property presumed abandoned shall send to the apparent owner notice by first-class United States mail that complies with RCW 63.30.290 in a format acceptable to the administrator not more than 180 days nor less than 60 days before filing the report under RCW 63.30.220 if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first-class United States mail to the apparent owner; and

(b) The value of the property is \$75 or more.

(2) If an apparent owner has consented to receive email delivery from the holder, the holder shall send the notice described in subsection (1) of this section both by first-class United States mail to the apparent owner's last known mailing address and by email, unless the holder believes that the apparent owner's email address is invalid. [2022 c 225 s 501.]

RCW 63.30.290 Contents of notice by holder. (1) Notice under RCW 63.30.280 must contain a heading that reads substantially as follows:

"Notice

The state of Washington requires us to notify you that your property may be transferred to the custody of the department of revenue if you do not contact us before (insert date that is 30 days after the date of this notice)."

(2) The notice under RCW 63.30.280 must:

(a) Identify the nature and, except for property that does not have a fixed value, the value of the property that is the subject of the notice;

(b) State that the property will be turned over to the administrator;

(c) State that after the property is turned over to the administrator an apparent owner that seeks return of the property must file a claim with the administrator;

(d) State that property that is not legal tender of the United States may be sold by the administrator; and

(e) Provide instructions that the apparent owner must follow to prevent the holder from reporting and paying or delivering the property to the administrator. [2022 c 225 s 502.]

RCW 63.30.300 Notice by administrator. (1) The administrator shall give notice to an apparent owner that property presumed abandoned and appears to be owned by the apparent owner is held by the administrator under this chapter.

(2) In providing notice under subsection (1) of this section, the administrator shall:

(a) Except as otherwise provided in (b) of this subsection, send written notice by first-class United States mail to each apparent owner of property valued at \$75 or more held by the administrator, unless the administrator determines that a mailing by first-class United States mail would not be received by the apparent owner, and, in the case of a security held in an account for which the apparent owner had consented to receiving email from the holder, send notice by

email if the email address of the apparent owner is known to the administrator instead of by first-class United States mail; or

(b) Send the notice to the apparent owner's email address if the administrator does not have a valid United States mail address for an apparent owner, but has an email address that the administrator does not know to be invalid.

(3) In addition to the notice under subsection (2) of this section, the administrator shall:

(a) Publish every 12 months in the printed or online version of a newspaper of general circulation within this state, which the administrator determines is most likely to give notice to the apparent owner of the property, notice of property held by the administrator which must include:

(i) The total value of property received by the administrator during the preceding 12-month period, taken from the reports under RCW 63.30.220;

(ii) The total value of claims paid by the administrator during the preceding 12-month period;

(iii) The internet web address of the unclaimed property website maintained by the administrator;

(iv) A telephone number and email address to contact the administrator to inquire about or claim property; and

(v) A statement that a person may access the internet by a computer to search for unclaimed property and a computer may be available as a service to the public at a local public library; and

(b) Maintain a website or database accessible by the public and electronically searchable which contains the names reported to the administrator of all apparent owners for whom property is being held by the administrator.

(4) The website or database maintained under subsection (3)(b) of this section must include instructions for filing with the administrator a claim to property and a printable claim form with instructions for its use.

(5) In addition to giving notice under subsection (2) of this section, publishing the information under subsection (3)(a) of this section and maintaining the website or database under subsection

(3)(b) of this section, the administrator may use other printed publication, telecommunications, the internet, or other media to inform the public of the existence of unclaimed property held by the administrator. [2022 c 225 s 503.]

RCW 63.30.310 Cooperation among state officers and agencies to locate apparent owner. Unless prohibited by law of this state other than this chapter, on request of the administrator, each officer, agency, board, commission, division, and department of this state, any body politic and corporate created by this state for a public purpose, and each political subdivision of this state shall make its books and records available to the administrator and cooperate with the administrator to determine the current address of an apparent owner of property held by the administrator under this chapter. [2022 c 225 s 504.]

RCW 63.30.320 Good faith. In this section and RCW 63.30.330 through 63.30.410, payment or delivery of property is made in good faith if a holder:

(1) Had a reasonable basis for believing, based on the facts then known, that the property was required or permitted to be paid or delivered to the administrator under this chapter; or

(2) Made payment or delivery:

(a) In response to a demand by the administrator or administrator's agent; or

(b) Under a guidance or ruling issued by the administrator which the holder reasonably believed required or permitted the property to be paid or delivered. [2022 c 225 s 601.]

RCW 63.30.330 Dormancy charge. (1) A holder may deduct a dormancy charge from property required to be paid or delivered to the administrator if:

(a) A valid contract between the holder and the apparent owner authorizes imposition of the charge for the apparent owner's failure to claim the property within a specified time; and

(b) The holder regularly imposes the charge and regularly does not reverse or otherwise cancel the charge.

(2) The amount of the deduction under subsection (1) of this section is limited to an amount that is not unconscionable considering all relevant factors, including the marginal transactional costs incurred by the holder in maintaining the apparent owner's property and any services received by the apparent owner. [2022 c 225 s 602.]

RCW 63.30.340 Payment or delivery of property to administrator.

(1) (a) Except as otherwise provided in this section, on filing a report under RCW 63.30.220, the holder shall pay or deliver to the administrator the property described in the report. Holders who are required to file a report electronically under this chapter must remit payments under this section by electronic funds transfer or other form of electronic payment acceptable to the administrator. However, the administrator, upon request or its own initiative, may relieve any holder or class of holders from the electronic payment requirement under this subsection for good cause as determined by the administrator.

(b) For purposes of this subsection, "good cause" means:

(i) A circumstance or condition exists that, in the administrator's judgment, prevents the holder from remitting payments due under this section electronically; or

(ii) The administrator determines that relief from the electronic payment requirement under this subsection supports the efficient or effective administration of this chapter.

(2) If property in a report under RCW 63.30.220 is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for payment of the property to the administrator is extended until a penalty or forfeiture no longer would result from payment, if the holder informs the administrator of the extended date.

(3) Tangible property in a safe deposit box may not be delivered to the administrator until 180 days after filing the report under RCW 63.30.220.

(4) If property reported to the administrator under RCW 63.30.220 is a security, the administrator may:

(a) Make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, its transfer agent, or the securities intermediary to transfer the security; or

(b) Dispose of the security under RCW 63.30.430.

(5) If the holder of that property reported to the administrator under RCW 63.30.220 is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under RCW 62A.8-405. An indemnity bond is not required.

(6) The administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.

(7) An issuer, holder, and transfer agent or other person acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and must be indemnified by the state against, a claim arising with respect to property after the property has been delivered to the administrator.

(8) A holder is not required to deliver to the administrator a security identified by the holder as a nonfreely transferable security. If the administrator or holder determines that a security is no longer a nonfreely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under RCW 63.30.220 as a nonfreely transferable security is no longer a nonfreely transferable security. [2022 c 225 s 603.]

RCW 63.30.350 Effect of payment or delivery of property to administrator. (1) On payment or delivery of property to the administrator under this chapter, the administrator as agent for the state assumes custody and responsibility for safekeeping the property. A holder that pays or delivers property to the administrator in good faith and substantially complies with RCW 63.30.280 and 63.30.290 is relieved of liability arising thereafter with respect to payment or delivery of the property to the administrator.

(2) This state shall defend and indemnify a holder against liability on a claim against the holder resulting from the payment or delivery of property to the administrator made in good faith and after the holder substantially complied with RCW 63.30.280 and 63.30.290. [2022 c 225 s 604.]

RCW 63.30.360 Recovery of property by holder from administrator. (1) A holder that under this chapter pays money to the administrator may file a claim for reimbursement from the administrator of the amount paid if the holder:

(a) Paid the money in error; or

(b) After paying the money to the administrator, paid money to a person the holder reasonably believed was entitled to the money.

(2) If a claim for reimbursement under subsection (1) of this section is made for a payment made on a negotiable instrument, including a traveler's check, money order, or similar instrument, the holder must submit proof that the instrument was presented and payment was made to a person the holder reasonably believed was entitled to payment. The holder may claim reimbursement even if the payment was

made to a person whose claim was made after expiration of a period of limitation on the owner's right to receive or recover property, whether specified by contract, statute, or court order.

(3) If a holder is reimbursed by the administrator under subsection (1)(b) of this section, the holder may also recover from the administrator income or gain under RCW 63.30.380 that would have been paid to the owner if the money had been claimed from the administrator by the owner to the extent the income or gain was paid by the holder to the owner.

(4) A holder that under this chapter delivers property other than money to the administrator may file a claim for return of the property from the administrator if:

(a) The holder delivered the property in error; or

(b) The apparent owner has claimed the property from the holder.

(5) If a claim for return of property under subsection (4) of this section is made, the holder shall include with the claim evidence sufficient to establish that the apparent owner has claimed the property from the holder or that the property was delivered by the holder to the administrator in error.

(6) The administrator may determine that an affidavit submitted by a holder is evidence sufficient to establish that the holder is entitled to reimbursement or to recover property under this section.

(7) A holder is not required to pay a fee or other charge for reimbursement or return of property under this section.

(8) Not later than 90 days after a claim is filed under subsection (1) or (4) of this section, the administrator shall allow or deny the claim and give the claimant notice of the decision in a record. If the administrator does not take action on a claim during the 90-day period, the claim is deemed denied.

(9) Decisions under this section are subject to review under RCW 63.30.730 and 63.30.740. [2022 c 225 s 605.]

RCW 63.30.370 Property removed from safe deposit box. Property removed from a safe deposit box and delivered to the administrator under this chapter is subject to the holder's right to reimbursement for the cost of opening the box and a lien or contract providing reimbursement to the holder for unpaid rent charges for the box. The administrator shall reimburse the holder from the proceeds remaining after deducting the expense incurred by the administrator in selling the property. [2022 c 225 s 606.]

RCW 63.30.380 Crediting income or gain to owner's account. If property other than money is delivered to the administrator, the owner is entitled to receive from the administrator income or gain realized or accrued on the property before the property is sold. If the property was an interest-bearing demand, savings, or time deposit, the administrator shall pay interest at the rate the property earned while in possession of the holder. Interest begins to accrue when the property is delivered to the administrator and ends on the earlier of the expiration of 10 years after its delivery or the date on which payment is made to the owner. [2022 c 225 s 607.]

RCW 63.30.390 Administrator's options as to custody. (1) The administrator may decline to take custody of property reported under RCW 63.30.220 if the administrator determines that:

(a) The property has a value less than the estimated expenses of notice and sale of the property; or

(b) Taking custody of the property would be unlawful.

(2) A holder may pay or deliver property to the administrator before the property is presumed abandoned under this chapter if the holder:

(a) Sends the apparent owner of the property notice required by RCW 63.30.280 and provides the administrator evidence of the holder's compliance with this subsection (2)(a);

(b) Includes with the payment or delivery a report regarding the property conforming to RCW 63.30.230; and

(c) First obtains the administrator's consent in a record to accept payment or delivery.

(3) A holder's request for the administrator's consent under subsection (2)(c) of this section must be in a record. If the administrator fails to respond to the request not later than 30 days after receipt of the request, the administrator is deemed to consent to the payment or delivery of the property and the payment or delivery is considered to have been made in good faith.

(4) On payment or delivery of property under subsection (2) of this section, the property is presumed abandoned. [2022 c 225 s 608.]

RCW 63.30.400 Disposition of property having no substantial value—Immunity from liability. (1) If the administrator takes custody of property delivered under this chapter and later determines that the property has no substantial commercial value or that the cost of disposing of the property will exceed the value of the property, the administrator may return the property to the holder or destroy or otherwise dispose of the property.

(2) An action or proceeding may not be commenced against the state, an agency of the state, the administrator, another officer, employee, or agent of the state, or a holder for or because of an act of the administrator under this section, except for intentional misconduct or malfeasance. [2022 c 225 s 609.]

RCW 63.30.410 Periods of limitation and repose. (1) Expiration, before, on, or after January 1, 2023, of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of a holder under this chapter to file a report or pay or deliver property to the administrator.

(2) The administrator may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property more than six years after the holder filed a nonfraudulent report under RCW 63.30.220 with the administrator. The parties may agree in a record to extend the limitation in this subsection.

(3) The administrator may not commence an action, proceeding, or examination with respect to a duty of a holder under this chapter more than 10 years after the duty arose. [2022 c 225 s 610.]

RCW 63.30.420 Public sale of property. (1) Except as otherwise provided in RCW 63.30.430, the administrator may sell the property (a) not earlier than two years after receipt of property stored in a safe deposit box and presumed abandoned; and (b) not earlier than three years after receipt of all other property presumed abandoned.

(2) Before selling property under subsection (1) of this section, the administrator shall give notice to the public of:

(a) The date of the sale; and

(b) A reasonable description of the property.

(3) A sale under subsection (1) of this section must be to the highest bidder:

(a) At public sale at a location in this state which the administrator determines to be the most favorable market for the property;

(b) On the internet; or

(c) On another forum the administrator determines is likely to yield the highest net proceeds of sale.

(4) The administrator may decline the highest bid at a sale under this section and reoffer the property for sale if the administrator determines the highest bid is insufficient.

(5) The administrator must publish at least one notice of the sale, at least three weeks but not more than five weeks before the sale, in a newspaper of general circulation in the county in which the property is sold. [2022 c 225 s 701.]

RCW 63.30.430 Disposal of securities. (1) Except as otherwise provided in this subsection, the administrator must sell all securities delivered to the administrator as required by this chapter as soon as practicable after taking custody, in the judgment of the administrator, after receipt by the administrator. However, this subsection does not apply with respect to any securities that, in the judgment of the administrator, cannot be sold, are worthless, or are not cost-effective to sell.

(2) Securities listed on an established stock exchange must be sold at prices prevailing at the time of sale on the exchange. Other securities may be sold over the counter at prices prevailing at the time of sale or by any other method the administrator considers advisable. All securities may be sold over the counter at prices prevailing at the time of the sale, or by any other method the administrator deems advisable. [2022 c 225 s 702.]

RCW 63.30.440 Recovery of securities or value by owner. (1) Except as otherwise provided in this section, a person making a claim under this chapter with respect to securities is only entitled to receive the proceeds received from sale, even if the sale of the securities has not been completed at the time the administrator receives the claim. However, if the administrator receives a claim for securities and the administrator has not ordered those securities to be sold as of the time the claim is received by the administrator, the claimant is entitled to receive either the securities delivered to the administrator by the holder, or the proceeds received from the sale, less any amounts deducted pursuant to RCW 63.30.490.

(2) With respect to securities that, in the judgment of the administrator, cannot be sold or are not cost-effective to sell and that remain in the possession of the administrator, a person making a

claim under this chapter is only entitled to receive the securities delivered to the administrator by the holder. [2022 c 225 s 703.]

RCW 63.30.450 Purchaser owns property after sale. A purchaser of property at a sale conducted by the administrator under this chapter takes the property free of all claims of the owner, a previous holder, or a person claiming through the owner or holder. The administrator shall execute documents necessary to complete the transfer of ownership to the purchaser. [2022 c 225 s 704.]

RCW 63.30.460 Military medal or decoration. (1) The administrator may not sell a medal or decoration awarded for military service in the armed forces of the United States.

(2) The administrator, with the consent of the respective organization under (a) of this subsection, agency under (b) of this subsection, or entity under (c) of this subsection, may deliver a medal or decoration described in subsection (1) of this section to be held in custody for the owner, to:

(a) A military veterans organization qualified under the internal revenue code, as it existed on January 1, 2023, 26 U.S.C. Sec. 501(c)(19);

(b) The agency that awarded the medal or decoration; or

(c) A governmental entity.

(3) On delivery under subsection (2) of this section, the administrator is not responsible for safekeeping the medal or decoration. [2022 c 225 s 705.]

RCW 63.30.470 Deposit of funds by administrator. (1) Except as otherwise provided by this section, the administrator shall promptly deposit in the general fund of this state all funds received under this chapter, including the proceeds from the sale of property under RCW 63.30.420 through 63.30.460. The administrator shall retain in a separate trust fund, the nonappropriated unclaimed personal property account, an amount not less than \$750,000 from which prompt payment of claims duly allowed must be made by the administrator.

(2) The administrator may pay from the trust fund provided in subsection (1) of this section any costs of administering this chapter including those costs set forth in RCW 63.30.490. Such amounts may be expended without appropriation.

(3) The department may periodically transfer from the general fund of this state to the unclaimed personal property account amounts necessary to accommodate the requirements of this section. [2022 c 225 s 801.]

RCW 63.30.480 Administrator to retain records of property. The administrator shall:

(1) Record and retain the name and last known address of each person shown on a report filed under RCW 63.30.220 to be the apparent owner of property delivered to the administrator;

(2) Record and retain the name and last known address of each insured or annuitant and beneficiary shown on the report;

(3) For each policy of insurance or annuity contract listed in the report of an insurance company, record and retain the policy or

account number, the name of the company, and the amount due or paid; and

(4) For each apparent owner listed in the report, record and retain the name of the holder that filed the report and the amount due or paid. [2022 c 225 s 802.]

RCW 63.30.490 Expenses and service charges of administrator.

The administrator may expend from the unclaimed personal property account for the following purposes:

- (1) Expenses of disposition of property delivered to the administrator under this chapter;
- (2) Costs of mailing and publication in connection with property delivered to the administrator under this chapter;
- (3) Reasonable service charges; and
- (4) Expenses incurred in examining records of or collecting property from a putative holder or holder. [2022 c 225 s 803.]

RCW 63.30.500 Administrator holds property as custodian for owner. Property received by the administrator under this chapter is held in custody for the benefit of the owner and is not owned by the state. [2022 c 225 s 804.]

RCW 63.30.510 Claim of another state to recover property. (1)

If the administrator knows that property held by the administrator under this chapter is subject to a superior claim of another state, the administrator shall:

- (a) Report and pay or deliver the property to the other state; or
 - (b) Return the property to the holder so that the holder may pay or deliver the property to the other state.
- (2) The administrator is not required to enter into an agreement to transfer property to the other state under subsection (1) of this section. [2022 c 225 s 901.]

RCW 63.30.520 Property subject to recovery by another state.

(1) Property held under this chapter by the administrator is subject to the right of another state to take custody of the property if:

(a) The property was paid or delivered to the administrator because the records of the holder did not reflect a last known address in the other state of the apparent owner and:

(i) The other state establishes that the last known address of the apparent owner or other person entitled to the property was in the other state; or

(ii) Under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(b) The records of the holder did not accurately identify the owner of the property, the last known address of the owner was in another state, and, under the law of the other state, the property has become subject to a claim by the other state of abandonment;

(c) The property was subject to the custody of the administrator of this state under RCW 63.30.190 and, under the law of the state of domicile of the holder, the property has become subject to a claim by the state of domicile of the holder of abandonment; or

(d) The property:

(i) Is a sum payable on a traveler's check, money order, or similar instrument that was purchased in the other state and delivered to the administrator under RCW 63.30.200; and

(ii) Under the law of the other state, has become subject to a claim by the other state of abandonment.

(2) A claim by another state to recover property under this section must be presented in a form prescribed by the administrator, unless the administrator waives presentation of the form.

(3) The administrator shall decide a claim under this section not later than 90 days after it is presented. If the administrator determines that the other state is entitled under subsection (1) of this section to custody of the property, the administrator shall allow the claim and pay or deliver the property to the other state.

(4) The administrator may require another state, before recovering property under this section, to agree to indemnify this state and its agents, officers, and employees against any liability on a claim to the property. [2022 c 225 s 902.]

RCW 63.30.530 Claim for property by person claiming to be owner.

(1) A person claiming to be the owner of property held under this chapter by the administrator may file a claim for the property on a form prescribed by the administrator. The claimant must verify the claim as to its completeness and accuracy.

(2) The administrator may waive the requirement in subsection (1) of this section and may pay or deliver property directly to a person if:

(a) The person receiving the property or payment is shown to be the apparent owner included on a report filed under RCW 63.30.220; and

(b) The administrator reasonably believes the person is entitled to receive the property or payment. [2022 c 225 s 903.]

RCW 63.30.540 Administrator must honor claim for property, when.

(1) The administrator shall pay or deliver property to a claimant under RCW 63.30.530(1) if the administrator receives evidence sufficient to establish to the satisfaction of the administrator that the claimant is the owner of the property.

(2) Not later than 90 days after a claim is filed under RCW 63.30.530(1), the administrator shall allow or deny the claim and give the claimant notice in a record of the decision.

(3) If the claim is denied under subsection (2) of this section:

(a) The administrator shall inform the claimant of the reason for the denial and specify what additional evidence, if any, is required for the claim to be allowed;

(b) The claimant may file an amended claim with the administrator or commence an action under RCW 63.30.560; and

(c) The administrator shall consider an amended claim filed under (b) of this subsection as an initial claim.

(4) If the administrator does not take action on a claim during the 90-day period following the filing of a claim under RCW 63.30.530(1), the claim is deemed denied. [2022 c 225 s 904.]

RCW 63.30.550 Allowance of claim for property. (1) Not later than 30 days after a claim is allowed under RCW 63.30.540(2), the administrator shall pay or deliver to the owner the property or pay to

the owner the net proceeds of a sale of the property, together with income or gain to which the owner is entitled under RCW 63.30.380. On request of the owner, the administrator may sell or liquidate a security and pay the net proceeds to the owner, even if the security had been held by the administrator for less than three years or the administrator has not complied with the notice requirements under RCW 63.30.430.

(2) Property held under this chapter by the administrator is subject to a claim for the payment of an enforceable debt the owner owes in this state for:

(a) Child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;

(b) A civil or criminal fine or penalty, court costs, a surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; or

(c) State or local taxes, penalties, and interest that have been determined to be delinquent.

(3) Before delivery or payment to an owner under subsection (1) of this section of property or payment to the owner of net proceeds of a sale of the property, the administrator first shall apply the property or net proceeds to a debt under subsection (2) of this section the administrator determines is owed by the owner. The administrator shall pay the amount to the appropriate state or local agency and notify the owner of the payment.

(4) The administrator may make periodic inquiries of state and local agencies in the absence of a claim filed under RCW 63.30.530 to determine whether an apparent owner included in the unclaimed property records of this state has enforceable debts described in subsection (2) of this section. The administrator first shall apply the property or net proceeds of a sale of property held by the administrator to a debt under subsection (2) of this section of an apparent owner which appears in the records of the administrator and deliver the amount to the appropriate state or local agency. The administrator shall notify the apparent owner of the payment. [2022 c 225 s 905.]

RCW 63.30.560 Action by person whose claim is denied. Not later than one year after filing a claim under RCW 63.30.540(1), the claimant may commence an action against the administrator in Thurston county superior court to establish a claim that has been denied or deemed denied under RCW 63.30.540. [2022 c 225 s 906.]

RCW 63.30.570 Verified report of property. If a person does not file a report required by RCW 63.30.220 or the administrator believes that a person may have filed an inaccurate, incomplete, or false report, the administrator may require the person to file a verified report in a form prescribed by the administrator. The verified report must:

(1) State whether the person is holding property reportable under this chapter;

(2) Describe property not previously reported or about which the administrator has inquired;

(3) Specifically identify property described under subsection (2) of this section about which there is a dispute whether it is reportable under this section; and

(4) State the amount or value of the property. [2022 c 225 s 1001.]

RCW 63.30.580 Examination of records to determine compliance.

The administrator, at reasonable times and on reasonable notice, may:

- (1) Examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with this chapter;
- (2) Issue an administrative subpoena requiring the person or agent of the person to make records available for examination; and
- (3) Bring an action seeking judicial enforcement of the subpoena. [2022 c 225 s 1002.]

RCW 63.30.590 Rules for conducting examination. (1) The administrator shall adopt rules governing procedures and standards for an examination under RCW 63.30.580, including rules for use of an estimation, extrapolation, and statistical sampling in conducting an examination.

(2) An examination under RCW 63.30.580 must be performed under rules adopted under subsection (1) of this section and with generally accepted examination practices and standards applicable to an unclaimed property examination.

(3) If a person subject to examination under RCW 63.30.580 has filed the reports required under RCW 63.30.220 and 63.30.570 and has retained the records required by RCW 63.30.250, the following rules apply:

- (a) The examination must include a review of the person's records.
- (b) The examination may not be based on an estimate unless the person expressly consents in a record to the use of an estimate or the person has failed to make its records available to the administrator for examination.
- (c) The person conducting the examination shall consider the evidence presented in good faith by the person in preparing the findings of the examination under RCW 63.30.630. [2022 c 225 s 1003.]

RCW 63.30.600 Records obtained in examination. Records obtained and records, including work papers, compiled by the administrator in the course of conducting an examination under RCW 63.30.580:

- (1) Are subject to the confidentiality and security provisions of RCW 63.30.810 through 63.30.880 and are not public records;
- (2) May be used by the administrator in an action to collect property or otherwise enforce this chapter;
- (3) May be used in a joint examination conducted with another state, the United States, a foreign country or subordinate unit of a foreign country, or any other governmental entity if the governmental entity conducting the examination is legally bound to maintain the confidentiality and security of information obtained from a person subject to examination in a manner substantially equivalent to RCW 63.30.810 through 63.30.880;
- (4) Must be disclosed, on request, to the person that administers the unclaimed property law of another state for that state's use in circumstances equivalent to circumstances described in this section

and RCW 63.30.570 through 63.30.590 and 63.30.610 through 63.30.690, if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to RCW 63.30.810 through 63.30.880;

(5) Must be produced by the administrator under an administrative or judicial subpoena or administrative or court order; and

(6) Must be produced by the administrator on request of the person subject to the examination in an administrative or judicial proceeding relating to the property. [2022 c 225 s 1004.]

RCW 63.30.610 Evidence of unpaid debt or undischarged obligation. (1) A record of a putative holder showing an unpaid debt or undischarged obligation is prima facie evidence of the debt or obligation.

(2) A putative holder may establish by a preponderance of the evidence that there is no unpaid debt or undischarged obligation for a debt or obligation described in subsection (1) of this section or that the debt or obligation was not, or no longer is, a fixed and certain obligation of the putative holder.

(3) A putative holder may overcome prima facie evidence under subsection (1) of this section by establishing by a preponderance of the evidence that a check, draft, or similar instrument was:

(a) Issued as an unaccepted offer in settlement of an unliquidated amount;

(b) Issued but later was replaced with another instrument because the earlier instrument was lost or contained an error that was corrected;

(c) Issued to a party affiliated with the issuer;

(d) Paid, satisfied, or discharged;

(e) Issued in error;

(f) Issued without consideration;

(g) Issued but there was a failure of consideration;

(h) Voided within a reasonable time after issuance for a valid business reason set forth in a contemporaneous record; or

(i) Issued but not delivered to the third-party payee for a sufficient reason recorded within a reasonable time after issuance.

(4) In asserting a defense under this section, a putative holder may present evidence of a course of dealing between the putative holder and the apparent owner or of custom and practice. [2022 c 225 s 1005.]

RCW 63.30.620 Failure of person examined to retain records. If a person subject to examination under RCW 63.30.580 does not retain the records required by RCW 63.30.250, the administrator may determine the value of property due using a reasonable method of estimation based on all information available to the administrator, including extrapolation and use of statistical sampling when appropriate and necessary, consistent with examination procedures and standards adopted under RCW 63.30.590(1) and in accordance with RCW 63.30.590(2). [2022 c 225 s 1006.]

RCW 63.30.630 Report to person whose records were examined. At the conclusion of an examination under RCW 63.30.580, the

administrator shall provide to the person whose records were examined a complete and unredacted examination report that specifies:

- (1) The work performed;
- (2) The property types reviewed;
- (3) The methodology of any estimation technique, extrapolation, or statistical sampling used in conducting the examination;
- (4) Each calculation showing the value of property determined to be due; and
- (5) The findings of the person conducting the examination. [2022 c 225 s 1007.]

RCW 63.30.640 Complaint to administrator about conduct of person conducting examination. (1) If a person subject to examination under RCW 63.30.580 believes the person conducting the examination has made an unreasonable or unauthorized request or is not proceeding expeditiously to complete the examination, the person in a record may ask the administrator to intervene and take appropriate remedial action, including countermanding the request of the person conducting the examination, imposing a time limit for completion of the examination, or reassigning the examination to another person.

(2) If a person in a record requests a conference with the administrator to present matters that are the basis of a request under subsection (1) of this section, the administrator shall hold the conference not later than 30 days after receiving the request. The administrator may hold the conference in person, by telephone, or by electronic means.

(3) If a conference is held under subsection (2) of this section, not later than 30 days after the conference ends, the administrator shall provide a report in a record of the conference to the person that requested the conference. [2022 c 225 s 1008.]

RCW 63.30.650 Administrator's contract with another to conduct examination. (1) In this section, "related to the administrator" refers to an individual who is:

- (a) The administrator's spouse, partner in a civil union, domestic partner, or reciprocal beneficiary;
- (b) The administrator's child, stepchild, grandchild, parent, stepparent, sibling, stepsibling, half-sibling, aunt, uncle, niece, or nephew;
- (c) A spouse, partner in a civil union, domestic partner, or reciprocal beneficiary of an individual under (b) of this subsection; or
- (d) Any individual residing in the administrator's household.

(2) The administrator may contract with a person to conduct an examination under this section and RCW 63.30.570 through 63.30.640 and 63.30.660 through 63.30.690. The contract may be awarded only under chapter 39.26 RCW.

(3) If the person with which the administrator contracts under subsection (2) of this section is:

- (a) An individual, the individual may not be related to the administrator; or
- (b) A business entity, the entity may not be owned in whole or in part by the administrator or an individual related to the administrator.

(4) At least 60 days before assigning a person under contract with the administrator under subsection (2) of this section to conduct an examination, the administrator shall demand in a record that the person to be examined submit a report and deliver property that is previously unreported.

(5) If the administrator contracts with a person under subsection (2) of this section:

(a) The contract may provide for compensation of the person based on a fixed fee, hourly fee, or contingent fee;

(b) A contingent fee arrangement may not provide for a payment that exceeds 10 percent of the amount or value of property paid or delivered as a result of the examination; and

(c) On request by a person subject to examination by a contractor, the administrator shall deliver to the person a complete and unredacted copy of the contract.

(6) A contract under subsection (2) of this section is subject to public disclosure without redaction under chapter 42.56 RCW. [2022 c 225 s 1009.]

RCW 63.30.660 Limit on future employment. The administrator or an individual employed by the administrator who participates in, recommends, or approves the award of a contract under RCW 63.30.650(2) on or after January 1, 2023, may not be employed by, contracted with, or compensated in any capacity by the contractor or an affiliate of the contractor for two years after the latest of participation in, recommendation of, or approval of the award or conclusion of the contract. [2022 c 225 s 1010.]

RCW 63.30.670 Report by administrator to state official. (1) Not later than three months after the end of the state fiscal year, the administrator shall compile and submit a report to the governor and legislature. The report must contain the following information about property presumed abandoned for the preceding fiscal year for the state:

(a) The total amount and value of all property paid or delivered under this chapter to the administrator, separated into:

(i) The part voluntarily paid or delivered; and

(ii) The part paid or delivered as a result of an examination under RCW 63.30.580, separated into the part recovered as a result of an examination conducted by:

(A) A state employee; and

(B) A contractor under RCW 63.30.650;

(b) The name of and amount paid to each contractor under RCW 63.30.650 and the percentage the total compensation paid to all contractors under RCW 63.30.650 bears to the total amount paid or delivered to the administrator as a result of all examinations performed under RCW 63.30.650;

(c) The total amount and value of all property paid or delivered by the administrator to persons that made claims for property held by the administrator under this chapter and the percentage the total payments made and value of property delivered to claimants bears to the total amounts paid and value delivered to the administrator; and

(d) The total amount of claims made by persons claiming to be owners which:

(i) Were denied;

- (ii) Were allowed; and
- (iii) Are pending.

(2) The report under subsection (1) of this section is a public record subject to public disclosure without redaction under chapter 42.56 RCW. [2022 c 225 s 1011.]

RCW 63.30.680 Determination of liability for unreported reportable property. If the administrator determines from an examination conducted under RCW 63.30.580 that a putative holder failed or refused to pay or deliver to the administrator property which is reportable under this chapter, the administrator shall issue a determination of the putative holder's liability to pay or deliver and give notice in a record to the putative holder of the determination. [2022 c 225 s 1012.]

RCW 63.30.690 Interest and penalties. (1) A person who fails to pay or deliver property when due is required to pay to the administrator interest at the rate as computed under RCW 82.32.050(1)(c) and set under RCW 82.32.050(2). However, the administrator must waive or cancel interest imposed under this subsection if:

(a) The administrator finds that the failure to pay or deliver the property within the time prescribed by this chapter was the result of circumstances beyond the person's control sufficient for waiver or cancellation of interest under RCW 82.32.105;

(b) The failure to timely pay or deliver the property within the time prescribed by this chapter was the direct result of written instructions given to the person by the administrator; or

(c) The extension of a due date for payment or delivery under an assessment issued by the administrator was not at the person's request and was for the sole convenience of the administrator.

(2) If a person fails to file any report or to pay or deliver any amounts or property when due under a report required under this chapter, there is assessed a penalty equal to 10 percent of the amount unpaid and the value of any property not delivered.

(3) If an examination results in an assessment for amounts unpaid or property not delivered, there is assessed a penalty equal to 10 percent of the amount unpaid and the value of any property not delivered.

(4) If a person fails to pay or deliver to the administrator by the due date any amounts or property due under an assessment issued by the administrator to the person, there is assessed an additional penalty of five percent of the amount unpaid and the value of any property not delivered.

(5) If a holder makes a fraudulent report under this chapter, the administrator may require the holder to pay the administrator, in addition to interest under this section, a civil penalty of \$1,000 for each day from the date the report was made until corrected, up to a cumulative maximum amount of \$25,000, plus 25 percent of the amount or value of any property that should have been reported or was underreported.

(6) Penalties under subsections (2) through (4) of this section may be waived or canceled only if:

(a) The administrator finds that the failure to pay or deliver within the time prescribed by this chapter was the result of

circumstances beyond the person's control sufficient for waiver or cancellation of penalties under RCW 82.32.105; or

(b) The person requests the waiver for a report required to be filed under RCW 63.30.220 and has timely filed as provided by RCW 63.30.240 all reports due under RCW 63.30.220 and paid or delivered all property associated with those reports for a period of 24 months immediately preceding the period covered by the report for which the waiver is being requested.

(7) If a person willfully fails to file a report or to provide written notice to apparent owners as required under this chapter, the administrator may assess a civil penalty of \$100 for each day the report is withheld or the notice is not sent, but not more than \$5,000.

(8) If a holder, having filed a report, failed to file the report electronically as required by RCW 63.30.220, or failed to pay electronically any amounts due under the report as required by RCW 63.30.340, the administrator must assess a penalty equal to five percent of the amount payable or deliverable under the report, unless the administrator grants the taxpayer relief from the electronic filing and payment requirements. Total penalties assessed under this subsection may not exceed five percent of the amount payable and value of property deliverable under the report.

(9) If a holder enters into a contract or other arrangement for the purpose of evading an obligation under this chapter or otherwise willfully fails to perform a duty imposed on the holder under this chapter, the administrator may require the holder to pay the administrator, in addition to interest as provided in this section, a civil penalty of \$1,000 for each day the obligation is evaded or the duty not performed, up to a cumulative maximum amount of \$25,000, plus 25 percent of the amount or value of property that should have been but was not reported, paid, or delivered as a result of the evasion or failure to perform.

(10) The penalties imposed in this section are cumulative. [2023 c 258 s 9; 2022 c 225 s 1013.]

RCW 63.30.700 Waiver. The administrator may waive, in whole and in part, interest under RCW 63.30.690 and penalties under RCW 63.30.690 (5) and (9). [2022 c 225 s 1014.]

RCW 63.30.710 Informal conference. (1) Not later than 30 days after receipt of a notice under RCW 63.30.680, the putative holder may request an informal conference with the administrator to review the determination. Except as otherwise provided in this section, the administrator may designate an employee to act on behalf of the administrator.

(2) If a putative holder makes a timely request under subsection (1) of this section for an informal conference:

(a) Not later than 20 days after the date of the request, the administrator shall set the time and place of the conference;

(b) The administrator shall give the putative holder notice in a record of the time and place of the conference;

(c) The conference may be held in person, by telephone, or by electronic means, as determined by the administrator;

(d) The request tolls the 90-day period under RCW 63.30.730 and 63.30.740 until notice of a decision under (g) of this subsection has

been given to the putative holder or the putative holder withdraws the request for the conference;

(e) The conference may be postponed, adjourned, and reconvened as the administrator determines appropriate;

(f) The administrator or administrator's designee with the approval of the administrator may modify a determination made under RCW 63.30.680 or withdraw it; and

(g) The administrator shall issue a decision in a record and provide a copy of the record to the putative holder and examiner not later than 20 days after the conference ends.

(3) A conference under subsection (2) of this section is not an administrative remedy and is not a contested case subject to chapter 34.05 RCW. An oath is not required and rules of evidence do not apply in the conference.

(4) At a conference under subsection (2) of this section, the putative holder must be given an opportunity to confer informally with the administrator and the person that examined the records of the putative holder to:

(a) Discuss the determination made under RCW 63.30.680; and

(b) Present any issue concerning the validity of the determination.

(5) If the administrator fails to act within the period prescribed in subsection (2)(a) or (g) of this section, the failure does not affect a right of the administrator, except that interest does not accrue on the amount for which the putative holder was determined to be liable under RCW 63.30.680 during the period in which the administrator failed to act until the earlier of:

(a) The date under RCW 63.30.730 the putative holder initiates administrative review or files an action under RCW 63.30.740; or

(b) Ninety days after the putative holder received notice of the administrator's determination under RCW 63.30.680 if no review was initiated under RCW 63.30.730 and no action was filed under RCW 63.30.740.

(6) The administrator may hold an informal conference with a putative holder about a determination under RCW 63.30.680 without a request at any time before the putative holder initiates administrative review under RCW 63.30.730 or files an action under RCW 63.30.740.

(7) Interest and penalties under RCW 63.30.690 continue to accrue on property not reported, paid, or delivered as required by this chapter after the initiation, and during the pendency, of an informal conference under this section. [2022 c 225 s 1101.]

RCW 63.30.720 Review of administrator's determination. A putative holder may seek relief from a determination under RCW 63.30.680 by:

(1) Administrative review under RCW 63.30.730; or

(2) Judicial review under RCW 63.30.740. [2022 c 225 s 1102.]

RCW 63.30.730 Administrative review. Any person having been issued a determination by the administrator, or a denial of an application for a refund or return of property, under the provisions of this chapter is entitled to a review by the administrator conducted in accordance with the provisions of RCW 34.05.410 through 34.05.494, subject to judicial review under RCW 34.05.510 through 34.05.598. A

petition for review under this section is timely if received in writing by the administrator on or before 90 days after the holder receives the determination from the administrator pursuant to RCW 63.30.680 or from any extension of the due date granted by the administrator, or in the case of a refund or return application, 30 days after the administrator rejects the application in writing, regardless of any subsequent action by the administrator to reconsider its initial decision. The period for filing a petition for review under this section may be extended as provided in a rule adopted by the administrator under chapter 34.05 RCW or upon a written agreement signed by the holder and the administrator. [2022 c 225 s 1103.]

RCW 63.30.740 Judicial remedy. (1) Any person who has paid or delivered property to the administrator under the provisions of this chapter, except one who has failed to keep and preserve records as required in this chapter, feeling aggrieved by such payment or delivery, may appeal to the Thurston county superior court. The person filing a notice of appeal under this section is deemed the plaintiff, and the administrator, the defendant.

(2) An appeal under this section must be made within 30 days after the administrator rejects in writing an application for refund or return of property, regardless of any subsequent action by the administrator to reconsider its initial decision.

(3) (a) In an appeal filed under this section, the plaintiff must set forth the amount or property, if any, payable or deliverable on the report or assessment that the plaintiff is contesting, which the holder concedes to be the correct amount payable or deliverable, and the reason why the amount payable or deliverable should be reduced or abated.

(b) The appeal is perfected only by serving a copy of the notice of appeal upon the administrator and filing the original with proof of service with the clerk of the superior court of Thurston county, within the time specified in subsection (2) of this section.

(4) (a) The trial in the superior court on appeal must be de novo and without the necessity of any pleadings other than the notice of appeal. At trial, the burden is on the plaintiff to (i) prove that the amount paid by that person is incorrect, either in whole or in part, or the property in question was delivered in error to the administrator, and (ii) establish the correct amount payable or the property required to be delivered to the administrator, if any.

(b) Both parties are entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount due, if any, that should be paid by the plaintiff.

(c) Either party may seek appellate review in the same manner as other civil actions are appealed to the appellate courts.

(5) An appeal may be maintained under this section without the need for the plaintiff to first:

(a) Protest against the payment of any amount due or reportable under this chapter or to make any demand to have such amount refunded or returned; or

(b) Petition the administrator for a refund, return of property, or a review of its action as authorized in RCW 63.30.730.

(6) No court action or proceeding of any kind may be maintained by the plaintiff to recover any amount paid, delivered, or reported to the administrator under this chapter, except as provided in this

section or as may be available to the plaintiff under RCW 34.05.510 through 34.05.598.

(7) No appeal may be maintained under this section with respect to matters reviewed by the administrator under the provisions of chapter 34.05 RCW. [2022 c 225 s 1104.]

RCW 63.30.750 Judicial action to enforce liability. (1) If a determination under RCW 63.30.680 becomes final and is not subject to administrative or judicial review, the administrator may commence an action in superior court or in an appropriate court of another state to enforce the determination and secure payment or delivery of past due, unpaid, or undelivered property. The action must be brought not later than one year after the determination becomes final.

(2) In an action under subsection (1) of this section, if no court in this state has jurisdiction over the defendant, the administrator may commence an action in any court having jurisdiction over the defendant. [2022 c 225 s 1201.]

RCW 63.30.760 Interstate and international agreement—Cooperation. (1) Subject to subsection (2) of this section, the administrator may:

(a) Exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and

(b) Authorize in a record another state or foreign country or a person acting on behalf of the other state or country to examine its records of a putative holder as provided in RCW 63.30.570 through 63.30.690.

(2) An exchange or examination under subsection (1) of this section may be done only if the state or foreign country has confidentiality and security requirements substantially equivalent to those in RCW 63.30.810 through 63.30.880 or agrees in a record to be bound by this state's confidentiality and security requirements. [2022 c 225 s 1202.]

RCW 63.30.770 Action involving another state or foreign country.

(1) The administrator may join another state or foreign country to examine and seek enforcement of this chapter against a putative holder.

(2) On request of another state or foreign country, the attorney general may commence an action on behalf of the other state or country to enforce, in this state, the law of the other state or country against a putative holder subject to a claim by the other state or country, if the other state or country agrees to pay costs incurred by the attorney general in the action.

(3) The administrator may request the official authorized to enforce the unclaimed property law of another state or foreign country to commence an action to recover property in the other state or country on behalf of the administrator. This state shall pay the costs, including reasonable attorneys' fees and expenses, incurred by the other state or foreign country in an action under this subsection.

(4) The administrator may pursue an action on behalf of this state to recover property subject to this chapter but delivered to the

custody of another state if the administrator believes the property is subject to the custody of the administrator.

(5) The administrator may retain an attorney in this state, another state, or a foreign country to commence an action to recover property on behalf of the administrator and may agree to pay attorneys' fees based in whole or in part on a fixed fee, hourly fee, or a percentage of the amount or value of property recovered in the action.

(6) Expenses incurred by this state in an action under this section may be paid from property received under this chapter or the net proceeds of the property. Expenses paid to recover property may not be deducted from the amount that is subject to a claim under this chapter by the owner. [2022 c 225 s 1203.]

RCW 63.30.780 Agreement to locate property enforceable. An agreement by an apparent owner and another person, the primary purpose of which is to locate, deliver, recover, or assist in the location, delivery, or recovery of property held by the administrator, is enforceable only if the agreement:

(1) Is in a record that clearly states the nature of the property and the services to be provided;

(2) Is signed by or on behalf of the apparent owner; and

(3) States the amount or value of the property reasonably expected to be recovered, computed before and after a fee or other compensation to be paid to the person has been deducted. [2022 c 225 s 1301.]

RCW 63.30.790 Agreement to locate property void, when. (1) Subject to subsection (2) of this section, an agreement under RCW 63.30.780 is void if it is entered into during the period beginning on the date the property was paid or delivered by a holder to the administrator and ending 24 months after the payment or delivery.

(2) If a provision in an agreement described in subsection (1) of this section applies to mineral proceeds for which compensation is to be paid to the other person based in whole or in part on a part of the underlying minerals or mineral proceeds not then presumed abandoned, the provision is void regardless of when the agreement was entered into.

(3) An agreement under subsection (1) of this section which provides for compensation in an amount that is unconscionable is unenforceable except by the apparent owner. An apparent owner that believes the compensation the apparent owner has agreed to pay is unconscionable or the administrator, acting on behalf of an apparent owner, or both, may file an action in superior court to reduce the compensation to the maximum amount that is not unconscionable.

(4) An apparent owner or the administrator may assert that an agreement described in this section is void on a ground other than it provides for payment of unconscionable compensation.

(5) This section does not apply to an apparent owner's agreement with an attorney to pursue a claim for recovery of specifically identified property held by the administrator or to contest the administrator's denial of a claim for recovery of the property. [2022 c 225 s 1302.]

RCW 63.30.800 Right of agent of apparent owner to recover property held by administrator.

(1) An apparent owner that contracts with another person to locate, deliver, recover, or assist in the location, delivery, or recovery of property of the apparent owner which is held by the administrator may designate the person as the agent of the apparent owner. The designation must be in a record signed by the apparent owner.

(2) The administrator shall give the agent of the apparent owner all information concerning the property which the apparent owner is entitled to receive, including information that otherwise is confidential information under RCW 63.30.820.

(3) If authorized by the apparent owner, the agent of the apparent owner may bring an action against the administrator on behalf of and in the name of the apparent owner. [2022 c 225 s 1303.]

RCW 63.30.810 Definitions—Applicability. (1) In this section and RCW 63.30.820 through 63.30.880, "personal information" means:

(a) Information that identifies or reasonably can be used to identify an individual, such as first and last name in combination with the individual's:

(i) Social security number or other government-issued number or identifier;

(ii) Date of birth;

(iii) Home or physical address;

(iv) Email address or other online contact information or internet provider address;

(v) Financial account number or credit or debit card number;

(vi) Biometric data, health or medical data, or insurance information; or

(vii) Passwords or other credentials that permit access to an online or other account;

(b) Personally identifiable financial or insurance information, including nonpublic personal information defined by applicable federal law; and

(c) Any combination of data that, if accessed, disclosed, modified, or destroyed without authorization of the owner of the data or if lost or misused, would require notice or reporting under chapter 19.255 RCW and federal privacy and data security law, whether or not the administrator or the administrator's agent is subject to the law.

(2) A provision of this section or RCW 63.30.820 through 63.30.880 that applies to the administrator or the administrator's records applies to an administrator's agent. [2022 c 225 s 1401.]

RCW 63.30.820 Confidential information. (1) Except as otherwise provided in this chapter, the following are confidential and exempt from public inspection or disclosure:

(a) Reports and records of a holder in the possession of the administrator or the administrator's agent; and

(b) Personal information and other information derived or otherwise obtained by or communicated to the administrator or the administrator's agent from an examination under this chapter of the records of a person.

(2) A record or other information that is confidential under law of this state other than this chapter, another state, or the United

States continues to be confidential when disclosed or delivered under this chapter to the administrator or administrator's agent. [2022 c 225 s 1402.]

RCW 63.30.830 When confidential information may be disclosed.

(1) When reasonably necessary to enforce or implement this chapter, the administrator may disclose confidential information concerning property held by the administrator or the administrator's agent only to:

(a) An apparent owner or the apparent owner's personal representative, attorney, other legal representative, relative, or agent designated under RCW 63.30.800 to have the information;

(b) The personal representative, other legal representative, relative of a deceased apparent owner, agent designated under RCW 63.30.800 by the deceased apparent owner, or a person entitled to inherit from the deceased apparent owner;

(c) Another department or agency of this state or the United States;

(d) The person that administers the unclaimed property law of another state, if the other state accords substantially reciprocal privileges to the administrator of this state if the other state is required to maintain the confidentiality and security of information obtained in a manner substantially equivalent to this section and RCW 63.30.810, 63.30.820, and 63.30.840 through 63.30.880; or

(e) A person subject to an examination as required by RCW 63.30.600(6).

(2) Except as otherwise provided in RCW 63.30.820(1), the administrator shall include on the website or in the database required by RCW 63.30.300(3)(b) the name of each apparent owner of property held by the administrator. The administrator may include in published notices, printed publications, telecommunications, the internet, or other media and on the website or in the database additional information concerning the apparent owner's property if the administrator believes the information will assist in identifying and returning property to the owner and does not disclose personal information except the home or physical address of an apparent owner.

(3) The administrator and the administrator's agent may not use confidential information provided to them or in their possession except as expressly authorized by this chapter or required by law other than this chapter. [2022 c 225 s 1403.]

RCW 63.30.840 Confidentiality agreement. A person to be examined under RCW 63.30.580 may require, as a condition of disclosure of the records of the person to be examined, that each person having access to the records disclosed in the examination execute and deliver to the person to be examined a confidentiality agreement that:

(1) Is in a form that is reasonably satisfactory to the administrator; and

(2) Requires the person having access to the records to comply with the provisions of this section and RCW 63.30.810 through 63.30.830 and 63.30.850 through 63.30.880 applicable to the person. [2022 c 225 s 1404.]

RCW 63.30.850 No confidentiality information in notice. Except as otherwise provided in RCW 63.30.280 and 63.30.290, a holder is not required under this chapter to include confidential information in a notice the holder is required to provide to an apparent owner under this chapter. [2022 c 225 s 1405.]

RCW 63.30.860 Security of information. (1) If a holder is required to include confidential information in a report to the administrator, the information must be provided by a secure means.

(2) If confidential information in a record is provided to and maintained by the administrator or administrator's agent as required by this chapter, the administrator or agent shall:

(a) Implement administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the information required by chapter 19.255 RCW and federal privacy and data security law whether or not the administrator or the administrator's agent is subject to the law;

(b) Protect against reasonably anticipated threats or hazards to the security, confidentiality, or integrity of the information; and

(c) Protect against unauthorized access to or use of the information which could result in substantial harm or inconvenience to a holder or the holder's customers, including insureds, annuitants, and policy or contract owners and their beneficiaries.

(3) The administrator:

(a) After notice and comment, shall adopt and implement a security plan that identifies and assesses reasonably foreseeable internal and external risks to confidential information in the administrator's possession and seeks to mitigate the risks; and

(b) Shall ensure that an administrator's agent adopts and implements a similar plan with respect to confidential information in the agent's possession.

(4) The administrator and the administrator's agent shall educate and train their employees regarding the plan adopted under subsection (3) of this section.

(5) The administrator and the administrator's agent shall in a secure manner return or destroy all confidential information no longer reasonably needed under this chapter. [2022 c 225 s 1406.]

RCW 63.30.870 Security breach. (1) Except to the extent prohibited by law other than this chapter, the administrator or administrator's agent shall notify a holder as soon as practicable of:

(a) A suspected loss, misuse, or unauthorized access, disclosure, modification, or destruction of confidential information obtained from the holder in the possession of the administrator or an administrator's agent; and

(b) Any interference with operations in any system hosting or housing confidential information which:

(i) Compromises the security, confidentiality, or integrity of the information; or

(ii) Creates a substantial risk of identity fraud or theft.

(2) Except as necessary to inform an insurer, attorney, investigator, or others as required by law, the administrator and an administrator's agent may not disclose, without the express consent in a record of the holder, an event described in subsection (1) of this

section to a person whose confidential information was supplied by the holder.

(3) If an event described in subsection (1) of this section occurs, the administrator and the administrator's agent shall:

(a) Take action necessary for the holder to understand and minimize the effect of the event and determine its scope; and

(b) Cooperate with the holder with respect to:

(i) Any notification required by law concerning a data or other security breach; and

(ii) A regulatory inquiry, litigation, or similar action. [2022 c 225 s 1407.]

RCW 63.30.880 Indemnification for breach. (1) If a claim is made or action commenced arising out of an event described in RCW 63.30.870(1) relating to confidential information possessed by the administrator, this state shall indemnify, defend, and hold harmless a holder and the holder's affiliates, officers, directors, employees, and agents as to:

(a) Any claim or action; and

(b) A liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or other expense, including reasonable attorneys' fees and costs, established by the claim or action.

(2) If a claim is made or action commenced arising out of an event described in RCW 63.30.870(1) relating to confidential information possessed by an administrator's agent, the administrator's agent shall indemnify, defend, and hold harmless a holder and the holder's affiliates, officers, directors, employees, and agents as to:

(a) Any claim or action; and

(b) A liability, obligation, loss, damage, cost, fee, penalty, fine, settlement, charge, or other expense, including reasonable attorneys' fees and costs, established by the claim or action.

(3) The administrator shall require an administrator's agent that will receive confidential information required under this chapter to maintain adequate insurance for indemnification obligations of the administrator's agent under subsection (2) of this section. The agent required to maintain the insurance shall provide evidence of the insurance to:

(a) The administrator not less frequently than annually; and

(b) The holder on commencement of an examination and annually thereafter until all confidential information is returned or destroyed under RCW 63.30.860(5). [2022 c 225 s 1408.]

RCW 63.30.890 Right to enter into an agreement. (1) The department may enter into an agreement in writing with any holder with respect to any duties under this chapter or any property or amounts due under this chapter, including penalties and interest.

(2) Upon its execution by all parties, the agreement is final and conclusive as to the periods, property, and any other matters expressly covered by the agreement. Except upon a showing of fraud or malfeasance, or of misrepresentation of a material fact:

(a) The agreement may not be reopened as to the matters agreed upon, nor may the agreement be modified, by any officer, employee, or agent of the state, or the holder; and

(b) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, or refund,

or credit made in accordance with the agreement, may not be annulled, modified, set aside, or disregarded.

(3) No agreement under this section may affect a holder's obligations to an owner or an owner's rights against a holder, except as expressly provided in RCW 63.30.350.

(4) No agreement under this section may include any indemnification of any holder for amounts or property that has not been paid or delivered to the department. Nothing in this subsection may be construed to affect the finality and conclusiveness of any agreement under this section to the extent provided in subsection (2) of this section. [2023 c 258 s 11.]

Retroactive application—2023 c 258 ss 2-8, 10, and 11: See note following RCW 19.150.060.

RCW 63.30.900 Short title. This chapter may be cited as the revised uniform unclaimed property act. [2022 c 225 s 101.]

RCW 63.30.905 Uniformity of application and construction—2022 c 225. In applying and construing this uniform chapter and chapter 225, Laws of 2022, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it. [2022 c 225 s 1501.]

RCW 63.30.910 Relation to electronic signatures in global and national commerce act. This chapter modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b). [2022 c 225 s 1502.]

RCW 63.30.915 Transitional provision. (1) An initial report filed under this chapter for property that was not required to be reported before January 1, 2023, but that is required to be reported under this chapter, must include all items of property that would have been presumed abandoned during the six-year period preceding January 1, 2023, as if this chapter had been in effect during that period.

(2) This chapter does not relieve a holder of a duty that arose before January 1, 2023, to report, pay, or deliver property. Subject to RCW 63.30.410 (2) and (3), a holder that did not comply with the law governing unclaimed property before January 1, 2023, is subject to applicable provisions for enforcement and penalties in effect before January 1, 2023. [2022 c 225 s 1503.]

RCW 63.30.920 Conflict with federal requirements—2022 c 225. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the

operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. [2022 c 225 s 1508.]

RCW 63.30.925 Effective date—2022 c 225. This act takes effect January 1, 2023. [2022 c 225 s 1507.]

Chapter 63.32 RCW
UNCLAIMED PROPERTY IN HANDS OF CITY POLICE

Sections

- 63.32.010 Methods of disposition—Notice—Sale, retention, destruction, or trade.
- 63.32.020 Notice of sale.
- 63.32.030 Disposition of proceeds.
- 63.32.040 Reimbursement to owner.
- 63.32.050 Donation of unclaimed personal property to nonprofit charitable organizations.
- 63.32.060 Duties of police department or designated alternate entity accepting found property.

RCW 63.32.010 Methods of disposition—Notice—Sale, retention, destruction, or trade. Whenever any personal property shall come into the possession of the police authorities of any city in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the police department subject to giving notice in the manner prescribed in RCW 63.32.020 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the chief of police, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the police department shall provide the city's mayor or council and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2);

(3) Destroy an item of personal property at the discretion of the chief of police if the chief of police determines that the following circumstances have occurred:

(a) The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The chief of police has determined that the item is unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.32.020, may be offered by the chief of police to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or

(5) If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the chief of police, in a manner that is illegal, such item may be destroyed. [1988 c 223 s 3; 1988 c 132 s 1; 1981 c 154 s 2; 1973 1st ex.s. c 44 s 1; 1939 c 148 s 1; 1925 ex.s. c 100 s 1; RRS s 8999-1.]

Reviser's note: This section was amended by 1988 c 132 s 1 and by 1988 c 223 s 3, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 63.32.020 Notice of sale. Before said personal property shall be sold, a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in the official newspaper of said city at least ten days prior to the date fixed for said sale. The notice shall be signed by the chief or other head of the police department of such city. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the chief or other head of the police department shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder. [1988 c 132 s 2; 1925 ex.s. c 100 s 2; RRS s 8999-2.]

RCW 63.32.030 Disposition of proceeds. The moneys arising from sales under the provisions of this chapter shall be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keep of said personal property and the balance, if any, shall be paid into the police pension fund of said city if such fund exists; otherwise into the city current expense fund. [1939 c 148 s 2; 1925 ex.s. c 100 s 3; RRS s 8999-3.]

RCW 63.32.040 Reimbursement to owner. If the owner of said personal property so sold, or his or her legal representative, shall, at any time within three years after such money shall have been deposited in said police pension fund or the city current expense fund, furnish satisfactory evidence to the police pension fund board or the city treasurer of said city of the ownership of said personal property, he or she shall be entitled to receive from said police pension fund or city current expense fund the amount so deposited therein with interest. [2012 c 117 s 182; 1939 c 148 s 3; 1925 ex.s. c 100 s 4; RRS s 899-4.]

RCW 63.32.050 Donation of unclaimed personal property to nonprofit charitable organizations. In addition to any other method of disposition of unclaimed property provided under this chapter, the police authorities of a city or town may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. Such organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code. [2007 c 219 s 1; 1987 c 182 s 1.]

Severability—1987 c 182: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 182 s 3.]

RCW 63.32.060 Duties of police department or designated alternate entity accepting found property. (1) This chapter does not modify the requirements for a police department to accept found property under chapter 63.21 RCW.

(2) If a city or town designates an alternate department or governmental entity to accept found property under RCW 63.21.090:

(a) The designated department or governmental entity shall comply with the retention and disposition requirements under this chapter in the same manner as would be required of a police department; and

(b) The police department is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a police department must be retained or disposed of in accordance with this chapter and other applicable state laws. [2020 c 26 s 16.]

Intent—2020 c 26: See note following RCW 63.21.090.

Chapter 63.35 RCW
UNCLAIMED PROPERTY IN HANDS OF STATE PATROL

Sections

- 63.35.010 Definitions.
- 63.35.020 Methods of disposition—Sale, retention, destruction, or trade.
- 63.35.030 Notice of sale.
- 63.35.040 Disposition of proceeds.
- 63.35.050 Reimbursement to owner.
- 63.35.060 Applicability of other statutes.
- 63.35.065 Donation of unclaimed personal property to nonprofit charitable organizations.

RCW 63.35.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Agency" means the Washington state patrol.
 - (2) "Chief" means the chief of the Washington state patrol or designee.
 - (3) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.
 - (4) "Contraband" means any property which is unlawful to produce or possess.
 - (5) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.
 - (6) "Owner" means the person in whom is vested the ownership, dominion, or title of the property.
 - (7) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.
 - (8) "Illegal items" means those items unlawful to be possessed.
- [1989 c 222 s 1.]

RCW 63.35.020 Methods of disposition—Sale, retention, destruction, or trade. Whenever any personal property shall come into the possession of the officers of the state patrol in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from the date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time said property came into the possession of the state agency, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said agency may:

- (1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the state patrol subject to giving notice in the manner prescribed in RCW 63.35.030 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the chief, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the state patrol shall provide the office of financial management and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the chief if the chief determines that the following circumstances have occurred:

(a) The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The chief has determined that the item is illegal to possess or sell or unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in this section may be offered by the chief to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or

(5) At the end of one year, any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2). Any other item which is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the chief, in a manner that is illegal, may be destroyed. [1989 c 222 s 2.]

RCW 63.35.030 Notice of sale. Before said personal property shall be sold, a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in a newspaper of general circulation in the county in which the property is to be sold at least ten days prior to the date fixed for the auction. The notice shall be signed by the chief. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the chief shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder. [1989 c 222 s 3.]

RCW 63.35.040 Disposition of proceeds. The moneys arising from sales under the provisions of this chapter shall be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keep of said personal property and the balance, if any, shall be forwarded to the state treasurer to be deposited into the state patrol highway account. [1989 c 222 s 4.]

RCW 63.35.050 Reimbursement to owner. If the owner of said personal property so sold, or the owner's legal representative, shall, at any time within three years after such money shall have been deposited in the state patrol highway account, furnish satisfactory evidence to the state treasurer of the ownership of said personal property, the owner or the owner's legal representative shall be entitled to receive from said state patrol highway account the amount so deposited therein with interest. [1989 c 222 s 5.]

RCW 63.35.060 Applicability of other statutes. (1) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the state patrol.

(2) The uniform unclaimed property act, *chapter 63.29 RCW, does not apply to personal property in the possession of the state patrol. [1989 c 222 s 6.]

***Reviser's note:** Chapter 63.29 RCW was repealed in its entirety by 2022 c 225 s 1505, effective January 1, 2023. For later enactment, see chapter 63.30 RCW.

RCW 63.35.065 Donation of unclaimed personal property to nonprofit charitable organizations. In addition to any other method of disposition of unclaimed property provided under this chapter, the state patrol may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. Such organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code. [2007 c 219 s 2.]

Chapter 63.40 RCW
UNCLAIMED PROPERTY IN HANDS OF SHERIFF

Sections

- 63.40.010 Methods of disposition—Notice—Sale, retention, destruction, or trade.
- 63.40.020 Notice of sale, form, contents—Conduct of sale.
- 63.40.030 Disposition of proceeds.
- 63.40.040 Reimbursement to owner.
- 63.40.050 Uniform unclaimed property act not applicable.
- 63.40.060 Donation of unclaimed personal property to nonprofit charitable organizations.
- 63.40.070 Duties of sheriff or designated alternate entity accepting found property.

RCW 63.40.010 Methods of disposition—Notice—Sale, retention, destruction, or trade. Whenever any personal property, other than vehicles governed by chapter 46.52 RCW, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of sixty days from date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may:

(1) At any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the sheriff's office subject to giving notice in the manner prescribed in RCW 63.40.020 and the right of the owner, or his or her legal representative, to reclaim the property within one year after the receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the county sheriff, the property consists of firearms or other items specifically usable in law enforcement work: PROVIDED, That at the end of each calendar year during which there has been such a retention, the sheriff shall provide the county's executive or legislative authority and retain for public inspection a list of such retained items and an estimation of each item's replacement value. At the end of the one-year period any unclaimed firearm shall be disposed of pursuant to RCW 9.41.098(2);

(3) Destroy an item of personal property at the discretion of the county sheriff if the county sheriff determines that the following circumstances have occurred:

(a) The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The county sheriff has determined that the item is unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in RCW 63.40.020, may be offered by the county sheriff to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection (2) of this section; or

(5) If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the discretion of the county sheriff, in a manner that is illegal, such item may be destroyed. [1988 c 223 s 4; 1988 c 132 s 3; 1981 c 154 s 3; 1973 1st ex.s. c 44 s 4; 1961 c 104 s 1.]

Reviser's note: This section was amended by 1988 c 132 s 3 and by 1988 c 223 s 4, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 63.40.020 Notice of sale, form, contents—Conduct of sale.

Before said personal property shall be sold, a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The notice shall be signed by the sheriff or his or her deputy. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the sheriff or his or her deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder. [2012 c 117 s 183; 1988 c 132 s 4; 1961 c 104 s 2.]

RCW 63.40.030 Disposition of proceeds. The moneys arising from sales under the provisions of this chapter shall be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keeping of said personal property and the balance, if any, shall be paid into the county current expense fund. [1961 c 104 s 3.]

RCW 63.40.040 Reimbursement to owner. If the owner of said personal property so sold, or his or her legal representative, shall, at any time within three years after such money shall have been deposited in the county current expense fund, furnish satisfactory evidence to the county treasurer of said county of the ownership of said personal property, he or she shall be entitled to receive from said county current expense fund the amount so deposited therein. [2012 c 117 s 184; 1961 c 104 s 4.]

RCW 63.40.050 Uniform unclaimed property act not applicable. The provisions of *chapter 63.29 RCW shall not apply to personal property in the possession of the office of county sheriff. [1985 c 7 s 126; 1961 c 104 s 5.]

***Reviser's note:** Chapter 63.29 RCW was repealed in its entirety by 2022 c 225 s 1505, effective January 1, 2023. For later enactment, see chapter 63.30 RCW.

RCW 63.40.060 Donation of unclaimed personal property to nonprofit charitable organizations. In addition to any other method of disposition of unclaimed property provided under this chapter, the county sheriff may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. Such organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code. [2007 c 219 s 3; 1987 c 182 s 2.]

Severability—1987 c 182: See note following RCW 63.32.050.

RCW 63.40.070 Duties of sheriff or designated alternate entity accepting found property. (1) This chapter does not modify the requirements for a sheriff to accept found property under chapter 63.21 RCW.

(2) If a county designates an alternate department or governmental entity to accept found property under RCW 63.21.090:

(a) The designated department or governmental entity shall comply with the disposition requirements under this chapter in the same manner as would be required of the sheriff; and

(b) The sheriff is not required to accept found property from a finder of said property, unless the property is any of the following: A bank card; charge or credit card; cash; government-issued document, financial document, or legal document; firearm; evidence in a judicial or other official proceeding; or an item that is not legal for the finder to possess. Such found property accepted by a sheriff must be retained or disposed of in accordance with this chapter and other applicable state laws. [2020 c 26 s 17.]

Intent—2020 c 26: See note following RCW 63.21.090.

Chapter 63.42 RCW
UNCLAIMED INMATE PERSONAL PROPERTY

Sections

63.42.010	Legislative intent.
63.42.020	Definitions.
63.42.030	Personal property presumed abandoned—Illegal items retained as evidence or destroyed.
63.42.040	Disposition of property presumed abandoned—Inventory—Notice.
63.42.050	Chapter not applicable if prior written agreement.
63.42.060	Application of chapters 63.24 and 63.29 RCW.

RCW 63.42.010 Legislative intent. It is the intent of the legislature to relieve the department of corrections from unacceptable burdens of cost related to storage space and manpower in the preservation of inmate personal property if the property has been abandoned by the inmate and to enhance the security and safety of the institutions. [1983 1st ex.s. c 52 s 1.]

RCW 63.42.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of corrections or the secretary's designees.

(2) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes among others contraband and money.

(3) "Contraband" means all personal property including, but not limited to, alcoholic beverages and other items which a resident of a correctional institution may not have in the resident's possession, as defined in rules adopted by the secretary.

(4) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(5) "Owner" means the inmate, the inmate's legal representative, or any person claiming through or under the inmate entitled to title and possession of the property.

(6) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(7) "Inmate" means a person committed to the custody of the department of corrections or transferred from other states or the federal government.

(8) "Institutions" means those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(9) "Department" means the department of corrections.

(10) "Illegal items" means those items unlawful to be possessed.

(11) "Nonprofit" has the meaning prescribed by state or federal law or rules. [1983 1st ex.s. c 52 s 2.]

RCW 63.42.030 Personal property presumed abandoned—Illegal items retained as evidence or destroyed. (1) All personal property, and any income or increment which has accrued thereon, held for the owner by an institution that has remained unclaimed for more than six months from the date the owner terminated without authorization from work training release, transferred to a different institution, or when the owner is unknown or deceased, from the date the property was placed in the custody of the institution, is presumed abandoned: PROVIDED, That the provisions of this section shall be extended for up to six months for any inmate, transferred to another institution, who has no recorded next of kin, or person to whom the unclaimed property can be sent.

(2) All personal property, and any income or increment which has accrued thereon, the inmate owner of which has been placed on escape status is presumed abandoned and shall be held for three months by the institution from which the inmate escaped. If the inmate owner remains on escape status for three months or if no other person claims ownership within three months, the property shall be disposed of as set forth in this chapter.

(3) All illegal items owned by and in the possession of an inmate shall be confiscated and held by the institution to which the inmate is assigned. Such items shall be held as required for evidence for law enforcement authorities. Illegal items not retained for evidence shall be destroyed. [1983 1st ex.s. c 52 s 3.]

Property of deceased inmates: RCW 11.08.101, 11.08.111, and 11.08.120.

RCW 63.42.040 Disposition of property presumed abandoned—Inventory—Notice. (1) All personal property, other than money, presumed abandoned shall be destroyed unless, in the opinion of the secretary, the property may be used or has value to a charitable or nonprofit organization, in which case the property may be donated to the organization. A charitable or nonprofit organization does not have a claim nor shall the department or any employee thereof be held liable to any charitable or nonprofit organization for property which is destroyed rather than donated or for the donation of property to another charitable or nonprofit organization.

(2) Money presumed abandoned under this chapter shall be paid into the revolving fund set up in accordance with RCW 9.95.360.

(3) The department shall inventory all personal property prior to its destruction or donation.

(4) Before personal property is donated or destroyed, if the name and address of the owner thereof is known or if deceased, the address of the heirs as known, at least thirty days' notice of the donation or destruction of the personal property shall be given to the owner at the owner's residence or place of business or to some person of suitable age and discretion residing or employed therein. If the name or residence of the owner or the owner's heirs is not known, a notice of the action fixing the time and place thereof shall be published at least once in an official newspaper in the county at least thirty days prior to the date fixed for the action. The notice shall be signed by the secretary. The notice need not contain a description of property, but shall contain a general statement that the property is unclaimed personal property of inmates, specifying the institution at which the property is held. If the owner fails to reclaim the property prior to

the time fixed in the notice, the property shall be donated or destroyed. [1983 1st ex.s. c 52 s 4.]

Property of deceased inmates: RCW 11.08.101, 11.08.111, and 11.08.120.

RCW 63.42.050 Chapter not applicable if prior written agreement.

This chapter does not apply if the inmate and the department have reached an agreement in writing regarding the disposition of the personal property. [1983 1st ex.s. c 52 s 5.]

RCW 63.42.060 Application of chapters 63.24 and 63.29 RCW. (1)

The uniform unclaimed property act, *chapter 63.29 RCW, does not apply to personal property in the possession of the department of corrections.

(2) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department of corrections. [1985 c 7 s 127; 1983 1st ex.s. c 52 s 6.]

***Reviser's note:** Chapter 63.29 RCW was repealed in its entirety by 2022 c 225 s 1505, effective January 1, 2023. For later enactment, see chapter 63.30 RCW.

Chapter 63.48 RCW
ESCHEAT OF POSTAL SAVINGS SYSTEM ACCOUNTS

Sections

- 63.48.010 Accounts presumed abandoned and to escheat to state.
63.48.020 Director to request federal records.
63.48.030 Escheat proceedings brought in Thurston county.
63.48.040 Notice to depositors whose accounts are to be escheated.
63.48.050 Copy of judgment presented for payment—Disposition of proceeds.
63.48.060 Indemnification for losses as result of escheat proceedings—Source.

RCW 63.48.010 Accounts presumed abandoned and to escheat to state. All postal savings system accounts created by the deposits of persons whose last known addresses are in the state which have not been claimed by the persons entitled thereto before May 1, 1971, are presumed to have been abandoned by their owners and are declared to escheat and become the property of this state. [1971 ex.s. c 68 s 1.]

RCW 63.48.020 Director to request federal records. The director of revenue shall request from the bureau of accounts of the United States treasury department records providing the following information: The names of depositors at the post offices of this state whose accounts are unclaimed, their last addresses as shown by the records of the post office department, and the balance in each account. He or she shall agree to return to the bureau of accounts promptly all account cards showing last addresses in another state. [2012 c 117 s 185; 1971 ex.s. c 68 s 2.]

RCW 63.48.030 Escheat proceedings brought in Thurston county. The director of revenue may bring proceedings in the superior court for Thurston county to escheat unclaimed postal savings system accounts held by the United States treasury. A single proceeding may be used to escheat as many accounts as may be available for escheat at one time. [1971 ex.s. c 68 s 3.]

RCW 63.48.040 Notice to depositors whose accounts are to be escheated. The director of revenue shall notify depositors whose accounts are to be escheated as follows:

(1) A letter advising that a postal savings system account in the name of the addressee is about to be escheated and setting forth the procedure by which a deposit may be claimed shall be mailed by first-class mail to the named depositor at the last address shown on the account records for each account to be escheated having an unpaid principal balance of more than twenty-five dollars.

(2) A general notice of intention to escheat postal savings system accounts shall be published once in each of three successive weeks in one or more newspapers which combine to provide general circulation throughout this state.

(3) A special notice of intention to escheat the unclaimed postal savings system accounts originally deposited in each post office must

be published once in each of three successive weeks in a newspaper published in the county in which the post office is located or, if there is none, in a newspaper having general circulation in the county. This notice must list the names of the owners of each unclaimed account to be escheated having a principal balance of three dollars or more. [1971 ex.s. c 68 s 4.]

RCW 63.48.050 Copy of judgment presented for payment—

Disposition of proceeds. The director of revenue shall present a copy of each final judgment of escheat to the United States treasury department for payment of the principal due and the interest computed under regulations of the United States treasury department. The payment received shall be deposited in the general fund in the state treasury. [1971 ex.s. c 68 s 5.]

RCW 63.48.060 Indemnification for losses as result of escheat proceedings—Source. This state shall indemnify the United States for any losses suffered as a result of the escheat of unclaimed postal savings system accounts. The burden of the indemnification falls upon the fund into which the proceeds of the escheated accounts have been paid. [1971 ex.s. c 68 s 6.]

**Chapter 63.52 RCW
DIES, MOLDS, AND FORMS**

Sections

- 63.52.005 Definitions.
63.52.010 Customer has title and all rights—Written exception—
Failure to claim within three years after the last use—
Notice to customer—Title and all rights may transfer to
the molder.

RCW 63.52.005 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Customer" means an individual or entity that causes or did cause a molder to fabricate, cast, or otherwise make a die, mold, or form.

(2) "Molder" means an individual or entity, including but not limited to a tool or die maker, that fabricates, casts, or otherwise makes a die, mold, or form.

(3) "Within three years after the last use" means the three-year period after the last use of a die, mold, or form, regardless of whether or not any portion of that period predates June 6, 1996. [1996 c 235 s 1.]

RCW 63.52.010 Customer has title and all rights—Written exception—Failure to claim within three years after the last use—Notice to customer—Title and all rights may transfer to the molder.

(1) In the absence of a written agreement otherwise, the customer has title and all rights to a die, mold, or form in the molder's possession.

(2) If a customer does not claim possession from a molder of a die, mold, or form within three years after the last use of the die, mold, or form, title and all rights to the die, mold, or form may be transferred to the molder for the purpose of destroying or otherwise disposing of the die, mold, or form.

(3) At least one hundred twenty days before seeking title and rights to a die, mold, or form in its possession, a molder shall send notice, via registered or certified mail, to the chief executive officer of the customer or, if the customer is not a business entity, to the customer's last known address. The notice must state that the molder intends to seek title and rights to the die, mold, or form. The notice must also include the name, address, and phone number of the molder.

(4) If a customer does not respond in person or by mail within one hundred twenty days after the date the notice was sent, or does not make other contractual arrangements with the molder for storage of the die, mold, or form, title and all rights of the customer transfer by operation of law to the molder. Thereafter, the molder may destroy or otherwise dispose of the die, mold, or form without any risk of liability to the customer. [1996 c 235 s 2.]

Chapter 63.60 RCW
PERSONALITY RIGHTS

Sections

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RCW 63.60.010 Property right—Use of name, voice, signature, photograph, or likeness. Every individual or personality has a property right in the use of his or her name, voice, signature, photograph, or likeness. Such right exists in the name, voice, signature, photograph, or likeness of individuals or personalities deceased before, on, or after June 11, 1998. This right shall be freely transferable, assignable, and licensable, in whole or in part, by any otherwise permissible form of inter vivos or testamentary transfer, including without limitation a will or other testamentary instrument, trust, contract, community property agreement, or cotenancy with survivorship provisions or payable-on-death provisions, whether the will or other testamentary instrument, trust, contract, community property agreement, or cotenancy document is entered into or executed before, on, or after June 11, 1998, by the deceased individual or personality or by any subsequent owner of the deceased individual's or personality's rights as recognized by this chapter; or, if none is applicable, then the owner of the rights shall be determined under the laws of intestate succession applicable to interests in intangible personal property. The property right does not expire upon the death of the individual or personality, regardless of whether the law of the domicile, residence, or citizenship of the individual or personality at the time of death or otherwise recognizes a similar or identical property right. The right exists whether or not it was commercially exploited by the individual or the personality during the individual's or the personality's lifetime. The rights recognized under this chapter shall be deemed to have existed before June 11, 1998, and at the time of death of any deceased individual or personality or subsequent successor of their rights for the purpose of determining the person or persons entitled to these property rights as provided in RCW 63.60.030. This chapter is intended to apply to all individuals and personalities, living and deceased, regardless of place of domicile or place of domicile at time of death. [2008 c 62 s 1; 1998 c 274 s 1.]

Application—2008 c 62: "This act applies to all causes of action commenced on or after June 11, 1998, regardless of when the cause of

action arose. To this extent, this act applies retroactively, but in all other respects it applies prospectively." [2008 c 62 s 4.]

RCW 63.60.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Deceased individual" means any individual, regardless of the individual's place of domicile, residence, or citizenship at the time of death or otherwise, who has died within ten years before January 1, 1998, or thereafter.

(2) "Deceased personality" means any individual, regardless of the personality's place of domicile, residence, or citizenship at the time of death or otherwise, whose name, voice, signature, photograph, or likeness had commercial value at the time of his or her death, whether or not during the lifetime of that individual he or she used his or her name, voice, signature, photograph, or likeness on or in products, merchandise or goods, or for purposes of advertising or selling, or soliciting the purchase or sale of, products, merchandise, goods, or services. A "deceased personality" includes, without limitation, any such individual who has died within fifty years before January 1, 1998, or thereafter.

(3) "Fund-raising" means an organized activity to solicit donations of money or other goods or services from persons or entities by an organization, company, or public entity. A fund-raising activity does not include a live, public performance by an individual or group of individuals for which money is received in solicited or unsolicited gratuities.

(4) "Individual" means a natural person, living or dead.

(5) "Likeness" means an image, painting, sketching, model, diagram, or other clear representation, other than a photograph, of an individual's face, body, or parts thereof, or the distinctive appearance, gestures, or mannerisms of an individual.

(6) "Name" means the actual or assumed name, or nickname, of a living or deceased individual that is intended to identify that individual.

(7) "Person" means any natural person, firm, association, partnership, corporation, joint stock company, syndicate, receiver, common law trust, conservator, statutory trust, or any other concern by whatever name known or however organized, formed, or created, and includes not-for-profit corporations, associations, educational and religious institutions, political parties, and community, civic, or other organizations.

(8) "Personality" means any individual whose name, voice, signature, photograph, or likeness has commercial value, whether or not that individual uses his or her name, voice, signature, photograph, or likeness on or in products, merchandise, or goods, or for purposes of advertising or selling, or solicitation of purchase of, products, merchandise, goods, or services.

(9) "Photograph" means any photograph or photographic reproduction, still or moving, or any videotape, online or live television transmission, of any individual, so that the individual is readily identifiable.

(10) "Signature" means the one handwritten or otherwise legally binding form of an individual's name, written or authorized by that individual, that distinguishes the individual from all others. [2008 c 62 s 2; 2004 c 71 s 1; 1998 c 274 s 2.]

RCW 63.60.030 Transfer, assignment, and license. (1) Every individual or personality has a property right in the use of his or her name, voice, signature, photograph, or likeness. Such right shall be freely transferable, assignable, and licensable, in whole or in part, by contract or inter vivos transfer. This right shall not expire upon the death of the individual or personality, but shall be owned and enforceable by the following successors, heirs, or other transferees of living or deceased individuals or personalities:

(a) Except where such rights were transferred or assigned before such deceased personality's death by means of any contract or trust instrument, the right shall be owned by the person entitled to such rights under the deceased individual's or personality's last will and testament or, if none, then by the beneficiaries or heirs under the laws of intestate succession applicable to interests in intangible personal property generally of the individual's or personality's domicile, regardless of whether the law of the domicile of the deceased individual or personality, at the time of death, or thereafter, recognizes a similar or identical property right; or

(b) If the deceased individual or personality transferred or assigned any interest in the personality rights during his or her life by means of any contract or trust instrument, then the transferred or assigned interest shall be held as follows:

(i) If the transferred or assigned interest was held in trust, in accordance with the terms of the trust;

(ii) If the interest is subject to a cotenancy with any survivorship provisions or payable-on-death provisions, in accordance with those provisions;

(iii) If the interest is subject to any contract, including without limitation an exclusive license, assignment, or a community property agreement, in accordance with the terms of the applicable contract or contracts;

(iv) If the interest has been transferred or assigned to a third person in a form that is not addressed in this section, by the individual or personality, or the successor, heir, or other transferee of the living or deceased individual or personality, then the interest may be transferred, assigned, or licensed by such third person, in whole or in part, by any otherwise permissible form of inter vivos or testamentary transfer or, if none is applicable, under the laws of intestate succession applicable to interests in intangible personal property of the third person's domicile, regardless of whether the law of the domicile of the deceased third party, at the time of death, or thereafter, recognizes a similar or identical property right.

(2) A property right exists whether or not such rights were commercially exploited by or under the authority of the individual or the personality or the individual's or personality's successors or transferees during the individual's or the personality's lifetime.

(3) The rights recognized under this chapter shall be deemed to have existed before June 11, 1998, and at the time of death of any deceased individual or personality or subsequent successor of their rights for the purpose of determining the person or persons entitled to these property rights as provided in this section. [2008 c 62 s 3; 1998 c 274 s 3.]

Application—2008 c 62: See note following RCW 63.60.010.

RCW 63.60.040 Right is exclusive for individuals and personalities. (1) For individuals, except to the extent that the individual may have assigned or licensed such rights, the rights protected in this chapter are exclusive to the individual, subject to the assignment or licensing of such rights, during such individual's lifetime and are exclusive to the persons entitled to such rights under RCW 63.60.030 for a period of ten years after the death of the individual except to the extent that the persons entitled to such rights under RCW 63.60.030 may have assigned or licensed such rights to others.

(2) For personalities, except to the extent that the personality may have assigned or licensed such rights, the rights protected in this chapter are exclusive to the personality, subject to the assignment or licensing of such rights, during such personality's lifetime and to the persons entitled to such rights under RCW 63.60.030 for a period of seventy-five years after the death of the personality except to the extent that the persons entitled to such rights under RCW 63.60.030 may have assigned or licensed such rights to others.

(3) The rights granted in this chapter may be exercised by a personal representative, attorney-in-fact, parent of a minor child, or guardian, or as authorized by a court of competent jurisdiction. The terms "personal representative," "attorney-in-fact," and "guardian" shall have the same meanings in this chapter as they have in Title 11 RCW. [2004 c 71 s 2; 1998 c 274 s 4.]

RCW 63.60.050 Infringement of right—Use without consent—Profit or not for profit. Any person who uses or authorizes the use of a living or deceased individual's or personality's name, voice, signature, photograph, or likeness, on or in goods, merchandise, or products entered into commerce in this state, or for purposes of advertising products, merchandise, goods, or services, or for purposes of fund-raising or solicitation of donations, or if any person disseminates or publishes such advertisements in this state, without written or oral, express or implied consent of the owner of the right, has infringed such right. An infringement may occur under this section without regard to whether the use or activity is for profit or not for profit. [1998 c 274 s 5.]

RCW 63.60.060 Infringement of right—Superior courts—Injunctions—Liability for damages and profits—Impoundment—Destruction—Attorneys' fees. (1) The superior courts of this state may grant injunctions on reasonable terms to prevent or restrain the unauthorized use of the rights in a living or deceased individual's or personality's name, voice, signature, photograph, or likeness.

(2) Any person who infringes the rights under this chapter shall be liable for the greater of one thousand five hundred dollars or the actual damages sustained as a result of the infringement, and any profits that are attributable to the infringement and not taken into account when calculating actual damages. To prove profits under this section, the injured party or parties must submit proof of gross

revenues attributable to the infringement, and the infringing party is required to prove his or her deductible expenses. For the purposes of computing statutory damages, use of a name, voice, signature, photograph, and/or likeness in or related to one work constitutes a single act of infringement regardless of the number of copies made or the number of times the name, voice, signature, photograph, or likeness is displayed.

(3) At any time while an action under this chapter is pending, the court may order the impounding, on reasonable terms, of all materials or any part thereof claimed to have been made or used in violation of the injured party's rights, and the court may enjoin the use of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such materials may be reproduced.

(4) As part of a final judgment or decree, the court may order the destruction or other reasonable disposition of all materials found to have been made or used in violation of the injured party's rights, and of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such materials may be reproduced.

(5) The prevailing party may recover reasonable attorneys' fees, expenses, and court costs incurred in recovering any remedy or defending any claim brought under this section.

(6) The remedies provided for in this section are cumulative and are in addition to any others provided for by law. [1998 c 274 s 6.]

RCW 63.60.070 Exemptions from use restrictions—When chapter does not apply. (1) For purposes of RCW 63.60.050, the use of a name, voice, signature, photograph, or likeness in connection with matters of cultural, historical, political, religious, educational, newsworthy, or public interest, including, without limitation, comment, criticism, satire, and parody relating thereto, shall not constitute a use for which consent is required under this chapter. A matter exempt from consent under this subsection does not lose such exempt status because it appears in the form of a paid advertisement if it is clear that the principal purpose of the advertisement is to comment on such matter.

(2) This chapter does not apply to the use or authorization of use of an individual's or personality's name, voice, signature, photograph, or likeness, in any of the following:

(a) Single and original works of fine art, including but not limited to photographic, graphic, and sculptural works of art that are not published in more than five copies;

(b) A literary work, theatrical work, musical composition, film, radio, online or television program, magazine article, news story, public affairs report, or sports broadcast or account, or with any political campaign when the use does not inaccurately claim or state an endorsement by the individual or personality;

(c) An advertisement or commercial announcement for a use permitted by subsections (1) and (7) of this section and (a) or (b) of this subsection;

(d) An advertisement, commercial announcement, or packaging for the authorized sale, distribution, performance, broadcast, or display of a literary, musical, cinematographic, or other artistic work using the name, voice, signature, photograph, or likeness of the writer, author, composer, director, actor, or artist who created the work, where such individual or personality consented to the use of his or

her name, voice, signature, photograph, or likeness on or in connection with the initial sale, distribution, performance, or display thereof; and

(e) The advertisement or sale of a rare or fine product, including but not limited to books, which incorporates the signature of the author.

(3) It is no defense to an infringement action under this chapter that the use of an individual's or personality's name, voice, signature, photograph, or likeness includes more than one individual or personality so identifiable. However, the individuals or personalities complaining of the use shall not bring their cause of action as a class action.

(4) RCW 63.60.050 does not apply to the owners or employees of any medium used for advertising, including but not limited to, newspapers, magazines, radio and television stations, online service providers, billboards, and transit ads, who have published or disseminated any advertisement or solicitation in violation of this chapter, unless the advertisement or solicitation was intended to promote the medium itself.

(5) This chapter does not apply to a use or authorization of use of an individual's or personality's name that is merely descriptive and used fairly and in good faith only to identify or describe something other than the individual or personality, such as, without limitation, to describe or identify a place, a legacy, a style, a theory, an ownership interest, or a party to a transaction or to accurately describe the goods or services of a party.

(6) This chapter does not apply to the use of an individual's or personality's name, voice, signature, photograph, or likeness when the use of the individual's or personality's name, voice, signature, photograph, or likeness is an insignificant, de minimis, or incidental use.

(7) This chapter does not apply to the distribution, promotion, transfer, or license of a photograph or other material containing an individual's or personality's name, voice, signature, photograph, or likeness to a third party for use in a manner which is lawful under this chapter, or to a third party for further distribution, promotion, transfer, or license for use in a manner which is lawful under this chapter. [2004 c 71 s 3; 1998 c 274 s 7.]

RCW 63.60.080 Community property rights. Nothing contained in this chapter is intended to invalidate any community property rights. [1998 c 274 s 8.]