

## CHAPTER 154

[Substitute House Bill No. 314]

COURT EXHIBITS, DISPOSAL—UNCLAIMED PERSONAL PROPERTY,  
DISPOSAL, LAW ENFORCEMENT AGENCIES, BAILEES

AN ACT Relating to personal property; amending section 36.23.070, chapter 4, Laws of 1963 as last amended by section 2, chapter 14, Laws of 1973 and RCW 36.23.070; amending section 1, chapter 100, Laws of 1925 ex. sess. as last amended by section 1, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.32.010; amending section 1, chapter 104, Laws of 1961 as amended by section 4, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.40.010; adding new sections to chapter 63.24 RCW; repealing section 3252, Code of 1881 and RCW 63.24.010; repealing section 3253, Code of 1881 and RCW 63.24.020; repealing section 3254, Code of 1881 and RCW 63.24.030; repealing section 3255, Code of 1881 and RCW 63.24.040; repealing section 3256, Code of 1881 and RCW 63.24.050; repealing section 3257, Code of 1881 and RCW 63.24.060; repealing section 3258, Code of 1881 and RCW 63.24.070; repealing section 3259, Code of 1881 and RCW 63.24.080; repealing section 3260, Code of 1881 and RCW 63.24.090; repealing section 3261, Code of 1881 and RCW 63.24.100; repealing section 3262, Code of 1881 and RCW 63.24.110; repealing section 3263, Code of 1881 and RCW 63.24.120; repealing section 3264, Code of 1881 and RCW 63.24.130; and repealing section 3265, Code of 1881 and RCW 63.24.140.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 36.23.070, chapter 4, Laws of 1963 as last amended by section 2, chapter 14, Laws of 1973 and RCW 36.23.070 are each amended to read as follows:

A county clerk may at any time more than six years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon such order being signed and entered, turn such exhibits of possible value over to the sheriff for disposal in accordance with the provisions of chapter 63.40 RCW, and destroy any other exhibits, unopened depositions, and reporters' notes which have theretofore been filed in such case: PROVIDED, That reporters' notes in criminal cases must be preserved for at least fifteen years: PROVIDED FURTHER, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies.

Sec. 2. Section 1, chapter 100, Laws of 1925 ex. sess. as last amended by section 1, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.32.010 are each amended to read as follows:

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, 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;

(3) Destroy an item of personal property at the discretion of the chief of police if the following circumstances have occurred:

(a) The item has been in the possession of the police department for a period of at least one year from the time of first possession by the department;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in RCW 63.32.020; 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; or

(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.

Sec. 3. Section 1, chapter 104, Laws of 1961 as amended by section 4, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.40.010 are each amended to read as follows:

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, 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;

(3) Destroy an item of personal property at the discretion of the county sheriff if the following circumstances have occurred:

(a) The item has been in the possession of the sheriff's office for a period of at least one year from the time of first possession by the office;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in RCW 63.40.020; 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; or

(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.

NEW SECTION. Sec. 4. 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 section 5 of this act.

NEW SECTION. Sec. 5. If property 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.

NEW SECTION. Sec. 6. A bailee is not liable to the owner for unclaimed property disposed of in good faith in accordance with the requirements of this chapter.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act are added to chapter 63.24 RCW.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 3252, Code of 1881 and RCW 63.24.010;

- (2) Section 3253, Code of 1881 and RCW 63.24.020;
- (3) Section 3254, Code of 1881 and RCW 63.24.030;
- (4) Section 3255, Code of 1881 and RCW 63.24.040;
- (5) Section 3256, Code of 1881 and RCW 63.24.050;
- (6) Section 3257, Code of 1881 and RCW 63.24.060;
- (7) Section 3258, Code of 1881 and RCW 63.24.070;
- (8) Section 3259, Code of 1881 and RCW 63.24.080;
- (9) Section 3260, Code of 1881 and RCW 63.24.090;
- (10) Section 3261, Code of 1881 and RCW 63.24.100;
- (11) Section 3262, Code of 1881 and RCW 63.24.110;
- (12) Section 3263, Code of 1881 and RCW 63.24.120;
- (13) Section 3264, Code of 1881 and RCW 63.24.130; and
- (14) Section 3265, Code of 1881 and RCW 63.24.140.

Passed the House April 23, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

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CHAPTER 155

[House Bill No. 341]

BUSINESS OPPORTUNITY FRAUD ACT

AN ACT Relating to business opportunities fraud; creating a new chapter in Title 19 RCW; defining crimes; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. The legislature finds and declares that the widespread and unregulated sale of business opportunities has become a common area of investment problems and deceptive practices in the state of Washington. As a result, the provisions of this chapter are necessary to counteract the potential negative impact of the sale of business opportunities upon the economy of the state.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Business opportunity" means the sale or lease of any product, equipment, supply, or service which is sold or leased to enable the purchaser to start a business; and:

(a) The seller represents that the seller will provide locations or assist the purchaser in finding locations, on premises neither owned nor leased by the purchaser or seller, for the use or operation of vending machines, display racks, cases, or similar devices or coin-operated amusement machines or similar devices; or