

CHAPTER 10

[Substitute Senate Bill No. 4274]

PAWNBROKERS AND SECOND-HAND DEALERS

AN ACT Relating to pawnbrokers and second-hand dealers; amending section 235, chapter 249, Laws of 1909 as amended by section 3, chapter 279, Laws of 1981 and RCW 19.60.010; amending section 229, chapter 249, Laws of 1909 and RCW 19.60.020; amending section 231, chapter 249, Laws of 1909 and RCW 19.60.040; amending section 232, chapter 249, Laws of 1909 and RCW 19.60.050; amending section 234, chapter 249, Laws of 1909 as amended by section 1, chapter 91, Laws of 1973 1st ex. sess. and RCW 19.60.060; amending section 1, chapter 41, Laws of 1979 ex. sess. and RCW 19.60.062; adding new sections to chapter 19.60 RCW; creating a new section; repealing section 236, chapter 249, Laws of 1909 and RCW 19.60.015; repealing section 230, chapter 249, Laws of 1909 and RCW 19.60.030; repealing section 233, chapter 249, Laws of 1909, section 29, chapter 292, Laws of 1971 ex. sess. and RCW 19.60.063; repealing section 1, chapter 89, Laws of 1939 and RCW 19.60.065; repealing section 2, chapter 89, Laws of 1939 and RCW 19.60.070; repealing section 3, chapter 89, Laws of 1939 and RCW 19.60.080; repealing section 4, chapter 89, Laws of 1939 and RCW 19.60.090; repealing section 5, chapter 89, Laws of 1939 and RCW 19.60.100; prescribing penalties; and declaring an emergency.

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

Sec. 1. Section 235, chapter 249, Laws of 1909 as amended by section 3, chapter 279, Laws of 1981 and RCW 19.60.010 are each amended to read as follows:

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

(1) Melted metals means metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots which are produced from ore that has not previously been processed.

(2) Metal junk means any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.

(3) Nonmetal junk means any nonmetal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form except nonmetal junk does not include an item made in a former period which has enhanced value because of its age.

(4) Pawnbroker means every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or conditional sales of personal property(~~(, shall be deemed to be a pawn broker:~~

~~(2) Every person engaged in whole or in part in the business of purchasing precious metals in a place other than a place of business where precious metals are ordinarily and customarily purchased shall be deemed to be a pawnbroker doing business in a first class city. PROVIDED, That any report required to be furnished to the chief of police shall be furnished to the county sheriff in the absence of a chief of police)).~~

(5) Precious metals means gold, silver, and platinum.

(6) Second-hand dealer means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or

otherwise transferring for value, second-hand property including metal junk, melted metals, precious metals, whether or not the person maintains a fixed place of business within the state.

(7) Second-hand property means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, boullion in the form of fabricated hallmarked bars, and clothing of a resale value of seventy-five dollars or less, except furs.

(8) Transaction means a pledge, purchase, or consignment by a pawnbroker or a second-hand dealer from a member of the general public.

NEW SECTION. Sec. 2. The provisions of this chapter do not apply to transactions conducted by the following:

- (1) Motor vehicle dealers licensed under chapter 46.70 RCW;
- (2) Motor vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;
- (3) Persons giving an allowance for the trade-in or exchange of second-hand property on the purchase of other merchandise of the same kind of greater value; and
- (4) Persons in the business of buying empty food and beverage containers or nonmetal junk.

Sec. 3. Section 229, chapter 249, Laws of 1909 and RCW 19.60.020 are each amended to read as follows:

~~((It shall be the duty of))~~ (1) Every ((pawnbroker)) pawnbroker and second-hand dealer doing business ((in any city of the first class)) in this state ((to)) shall maintain ((in his place of)) wherever that business ((a book or other permanent)) is conducted a record in which shall be legibly written in the English language, at the time of each ((loan, purchase or sale, a record thereof containing—)) transaction the following information:

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

(b) The date of the transaction;

~~((2))~~ (c) The name of the person or employee conducting the ((same)) transaction;

~~((3))~~ (d) The name, ((age, street and house number, and a general description of the dress, complexion, color of hair, and facial appearance)) date of birth, sex, height, weight, race, and address of the person with whom the transaction is ((had)) made;

~~((4))~~ The name and street and house number of the owner of the property bought or received in pledge;

~~((5))~~ The street and house number of the place from which the property bought or received in pledge was last removed;

~~((6))~~ (e) A complete description of the property pledged, bought, or ((received in pledge, which in the case of watches shall contain the name of the maker and the number of both the works and the case, and in the case

~~of jewelry shall contain a description of all letters and marks inscribed thereon: PROVIDED, That when the article bought or received is furniture, or the contents of any house or room actually inspected on the premises, a general record of the transaction shall be sufficient;~~

~~(7)) consigned, including the brand name, serial number, model number, initials, engravings, size, patterns, and color, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun;~~

~~(f) The price paid or the amount loaned;~~

~~((8) The names and street and house numbers of all persons witnessing the transaction; and~~

~~(9) The number of any pawn ticket issued therefor))~~

~~(g) The type and identifying number of identification used by the person with whom the transaction is made, which shall consist of a valid drivers license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified; and~~

~~(h) The nature of the transaction, a number identifying the transaction, the name and address of the business conducting the transaction, and the location of the property.~~

~~(2) This record shall at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions, and shall be maintained wherever that business is conducted for three years following the date of the transaction.~~

NEW SECTION. Sec. 4. There is added to chapter 19.60 RCW a new section to read as follows:

No person may operate as a pawnbroker unless the person maintains a fixed place of business within the state.

NEW SECTION. Sec. 5. There is added to chapter 19.60 RCW a new section to read as follows:

Following notification from a law enforcement agency that an item of property has been reported as stolen, the pawnbroker or second-hand dealer shall hold that property intact and safe from alteration, damage, or commingling. The pawnbroker or second-hand dealer shall place an identifying tag or other suitable identification upon the property so held. Property held shall not be released for one hundred twenty days from the date of police notification unless released by written consent of the applicable law enforcement agency or by order of a court of competent jurisdiction. The pawnbroker or second-hand dealer shall give ten days written notice before the expiration of the one hundred twenty-day holding period to the applicable law enforcement agency about the stolen property. If notice is not given within the required ten-day period, then the hold on the property shall continue for an additional one hundred twenty days. The applicable

law enforcement agency may renew the holding period for additional one hundred twenty-day periods as necessary.

Sec. 6. Section 231, chapter 249, Laws of 1909 and RCW 19.60.040 are each amended to read as follows:

(1) Upon request every (~~(pawn broker)~~) pawnbroker and second-hand dealer doing business in (~~(any city of the first and second class)~~) the state shall (~~(before noon of each day.)~~) furnish or mail within twenty-four hours to the chief of police of (~~(such)~~) the city or to the county's chief law enforcement officer, on such forms as (~~(such)~~) are provided by the chief of police (~~(may provide therefor)~~) or the county's chief law enforcement officer, a full, true, and correct transcript of the record of all transactions (~~(had)~~) conducted on the preceding day (~~(and, having)~~) within the jurisdiction of the chief of police or the county's chief law enforcement officer.

(2) If a pawnbroker or second-hand dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, (~~(he)~~) the pawnbroker or second-hand dealer shall (~~(forthwith)~~) promptly report (~~(such)~~) that fact to the applicable chief of police or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when, and the name of the person from whom (~~(the same)~~) it was received (~~(by him)~~).

NEW SECTION. Sec. 7. There is added to chapter 19.60 RCW a new section to read as follows:

(1) Property bought or received on consignment by a second-hand dealer with a permanent place of business in the state shall not be removed from that place of business, except consigned property returned to the owner, within fifteen days after the receipt of the property. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the state or any of its political subdivisions.

(2) Property bought or received on consignment by a second-hand dealer without a permanent place of business in the state, shall be held within the city or county in which the property was received, except consigned property returned to the owner, for fifteen days after receipt of the property. The property shall be available within the appropriate jurisdiction for inspection at reasonable times by any commissioned law enforcement officer of the state or any of its political subdivisions.

Sec. 8. Section 232, chapter 249, Laws of 1909 and RCW 19.60.050 are each amended to read as follows:

(~~(No)~~) Property bought or received in pledge by any (~~(pawn broker or second-hand dealer)~~) pawnbroker shall not be removed from (~~(his)~~) that place of business, except when redeemed by the owner (~~(thereof)~~), within (~~(four)~~) fifteen days after the receipt (~~(thereof shall have been reported to the chief of police as herein provided)~~) of the property. Property shall at all

times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the state or any of its political subdivisions.

Sec. 9. Section 234, chapter 249, Laws of 1909 as amended by section 1, chapter 91, Laws of 1973 1st ex. sess. and RCW 19.60.060 are each amended to read as follows:

All (~~pawn-brokers~~) pawnbrokers are authorized to charge and receive interest and other fees at the following rates for money loaned on the security of personal property actually received in pledge:

(1) The interest shall not exceed:

(a) For an amount loaned up to \$19.99 – interest at \$1.00 per month;

(b) For an amount loaned from \$20.00 to \$39.99 – interest at the rate of \$1.50 per month;

(c) For an amount loaned from \$40.00 to \$75.99 – interest at the rate of \$2.00 per month;

(d) For an amount loaned from \$76.00 to \$100.99 – interest at the rate of \$2.50 per month;

(e) For an amount loaned from \$101.00 to \$125.99 – interest at the rate of \$3.00 per month;

(f) For an amount loaned from \$126.00 or more – interest at the rate of three percent a month;

(2) The fee for the preparation of documents, pledges, or reports required under the laws of the United States of America, the state of Washington, or the counties, cities, towns, or other political subdivisions thereof, shall not exceed:

(a) For the amount loaned up to \$4.99 – the sum of \$.50;

(b) For the amount loaned from \$5.00 to \$9.99 – the sum of \$2.00;

(c) For the amount loaned from \$10.00 to \$19.99 – the sum of \$3.00;

(d) For the amount loaned from \$20.00 to (~~(\$39.99)~~) \$29.99 – the sum of \$4.00;

(e) For the amount loaned from (~~(\$40.00 to \$74.99)~~) \$30.00 to \$39.99 – the sum of \$5.00;

(f) For the amount loaned from (~~(\$75.00 to \$99.99)~~) \$40.00 to \$49.99 – the sum of (~~(\$7.50)~~) \$6.00;

(g) For the amount loaned from (~~(\$100.00 or more)~~) \$50.00 to \$59.99 – the sum of (~~(\$9.00)~~) \$7.00;

~~((3) The fee for the care, maintenance, insurance relating to, preparation for storage of, and storage of personal property actually received in pledge, shall not exceed:~~

~~(a) For precious jewels, jewelry, or other personal property having a value \$100.00 to \$299.99, an amount equal to one-tenth of one percent of the value thereof as agreed upon in writing between the pledgor and the pledgee;~~

~~(b) For precious jewels, jewelry, or other personal property having a value exceeding \$300.00, an amount equal to one-twelfth of one percent of the value thereof as agreed upon in writing between the pledgor and the pledgee;~~

~~(4)) (h) For the amount loaned from \$60.00 to \$69.99 – the sum of \$8.00;~~

~~(i) For the amount loaned from \$70.00 to \$79.99 – the sum of \$9.00;~~

~~(j) For the amount loaned from \$80.00 to \$89.99 – the sum of \$10.00;~~

~~(k) For the amount loaned from \$90.00 to \$99.99 – the sum of \$11.00;~~

~~(l) For the amount loaned from \$100.00 to \$124.99 – the sum of \$12.00;~~

~~(m) For the amount loaned from \$125.00 to \$149.99 – the sum of \$13.00;~~

~~(n) For the amount loaned from \$150.00 to \$174.99 – the sum of \$14.00;~~

~~(o) For the amount loaned from \$175.00 to \$199.99 – the sum of \$15.00;~~

~~(p) For the amount loaned from \$200.00 to \$249.99 – the sum of \$16.00;~~

~~(q) For the amount loaned from \$250.00 to \$299.99 – the sum of \$17.00;~~

~~(r) For the amount loaned from \$300.00 to \$399.99 – the sum of \$18.00;~~

~~(s) For the amount loaned from \$400.00 to \$499.99 – the sum of \$19.00;~~

~~(t) For the amount loaned from \$500.00 or more – the sum of \$20.00;~~

~~(3) Fees under subsection((s)) (2) ((and (3))) of this section may be charged one time only during the term of a pledge(, and every person who shall ask or receive a higher rate of interest or discount or other fees on any such loan, or on any actual or pretended sale, or redemption of personal property, or who shall sell any property held for redemption within ninety days after the period for redemption shall have expired, shall be guilty of a misdemeanor)).~~

A copy of this section, set in twelve point type or larger, shall be posted prominently in each premises subject to this chapter.

NEW SECTION. Sec. 10. There is added to chapter 19.60 RCW a new section to read as follows:

(1) A pawnbroker shall not sell any property received in pledge within ninety days after the term of the loan expires. However, if a pledged article is not redeemed within the ninety-day period, the pawnbroker has all rights, title, and interest of the pledgor or the pledgor's assigns.

(2) Every transaction entered into by a pawnbroker shall be evidenced by a written document, a copy of which shall be furnished to the pledgor. The document shall set forth the loan period, the date on which the loan is

due and payable, and shall inform the pledgor of the pledgor's right to redeem the pledge within ninety days after the expiration of the loan term.

Sec. 11. Section 1, chapter 41, Laws of 1979 ex. sess. and RCW 19.60.062 are each amended to read as follows:

~~((Whenever the owner of stolen goods locates said stolen goods in the possession of a pawnbroker or second-hand dealer, and brings an action to recover possession, including proceedings pursuant to chapters 7.64 and 12.28 RCW, the owner shall be entitled to reasonable attorney fees and costs in connection with said action:)) In an action brought by an owner to recover goods in the possession of a pawnbroker or second-hand dealer, the prevailing party is entitled to reasonable attorney's fees and costs.~~

NEW SECTION. Sec. 12. There is added to chapter 19.60 RCW a new section to read as follows:

It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge;

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

(3) Any pawnbroker or second-hand dealer to receive any property from any person under the age of eighteen years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or second-hand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years whether the person is acting in his or her own behalf or as the agent of another; or

(4) Any person to violate knowingly any other provision of this chapter.

NEW SECTION. Sec. 13. There is added to chapter 19.60 RCW a new section to read as follows:

The regulation of pawnbrokers and second-hand dealers under this chapter is not intended to restrict political subdivisions from enacting ordinances or codes requiring the licensing of pawnbrokers and second-hand dealers or from enacting ordinances or codes which are more restrictive than the provisions of this chapter.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) Section 236, chapter 249, Laws of 1909 and RCW 19.60.015;

(2) Section 230, chapter 249, Laws of 1909 and RCW 19.60.030;

(3) Section 233, chapter 249, Laws of 1909, section 29, chapter 292, Laws of 1971 ex. sess. and RCW 19.60.063;

- (4) Section 1, chapter 89, Laws of 1939 and RCW 19.60.065;
- (5) Section 2, chapter 89, Laws of 1939 and RCW 19.60.070;
- (6) Section 3, chapter 89, Laws of 1939 and RCW 19.60.080;
- (7) Section 4, chapter 89, Laws of 1939 and RCW 19.60.090; and
- (8) Section 5, chapter 89, Laws of 1939 and RCW 19.60.100.

NEW SECTION. Sec. 15. 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.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect thirty days after it is signed by the governor and filed with the secretary of state.

Passed the Senate January 31, 1984.
 Passed the House February 16, 1984.
 Approved by the Governor February 21, 1984.
 Filed in Office of Secretary of State February 21, 1984.

CHAPTER 11

[Substitute Senate Bill No. 4287]

COUNTY ROAD ENGINEER—SEVENTH CLASS COUNTIES

AN ACT Relating to the employment of the county road engineer; amending section 36.80.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 93, Laws of 1980 and RCW 36.80.010; and declaring an emergency.

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

Sec. 1. Section 36.80.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 93, Laws of 1980 and RCW 36.80.010 are each amended to read as follows:

The board shall employ a full-time county road engineer residing in the county(~~(- PROVIDED, That)~~). In seventh, eighth, and ninth class counties it may employ a county engineer on a part-time basis who need not be a resident of ((such)) the county, or it may contract with other counties for the engineering services of a county road engineer from such other counties(~~(- PROVIDED FURTHER, That any eighth or ninth class county which is reclassified in class because of an increase in population shall retain the right to employ their existing part-time county engineer or contract with other counties for engineering services))~~).

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state