

Veto message. standard emergency clause. I have followed the practice of vetoing emergency clauses on bills submitted to me whenever no genuine emergency existed.

"An emergency clause defeats the right of the people to reject a bill by referendum and, therefore, should be sparingly used by the legislature. I can see no reason why this bill should not take effect 90 days after adjournment in the same manner as other legislation.

"Therefore, I have vetoed Section 2. The remainder of House Bill No. 132 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 109.

[House Bill No. 520.]

ENCUMBERED OR LEASED PROPERTY—CONVERSION,
DESTRUCTION, ETC.

AN ACT relating to crimes and punishment, and amending section 377, chapter 249, Laws of 1909 and RCW 9.45.060; adding a new section; and providing penalties.

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

RCW 9.45.060 amended.

SECTION 1. Section 377, chapter 249, Laws of 1909 and RCW 9.45.060 are each amended to read as follows:

Destruction, conversion, or removal of mortgaged or rented property—Gross misdemeanor.

Every person being in possession thereof, who shall remove, conceal, convert to his own use, or destroy or connive at or consent to the removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a mortgage, lien, conditional sales contract rental agreement, or lease exists, in such a manner as to hinder, delay or defraud the holder of such mortgage, lien or conditional sales contracts or such lessor or rentor, or who, with intent to hinder, delay or defraud the holder of such mortgage, lien or conditional sales contract, such lessor, or such rentor shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the removal, concealment, conversion or destruction of

such property, or who, having possession thereof, shall wilfully and without reasonable cause fail to deliver leased property to the lessor within ten days after notice of the expiration of the lease has been given to the lessee by registered or certified letter with return receipt requested mailed to the last known address of the lessee, shall be guilty of a gross misdemeanor.

Every rental agreement shall contain a warning that failure promptly to return the rented property may result in a criminal prosecution, and every notice mailed pursuant to the provisions of this act shall clearly state that the rentor may be guilty of a crime if he fails to return the property within ten days.

In any prosecution under this section any allegation containing a description of the mortgage, lien, conditional sales contract or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

Sec. 2. Any person charged with violation of section 1 hereof who successfully defends such action shall be entitled to recover from the rentor or lessor all costs, expenses and attorney fees expended in defense of said action, together with reasonable compensation for time lost in defending said action.

Passed the House March 26, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 6, 1965, with the exception of section 2, which was vetoed.

NOTE: Governor's explanation of partial veto is as follows:

Veto message.

"This bill amends a 1909 criminal statute which makes it a gross misdemeanor to conceal, remove or destroy personal property held under lease, mortgage or conditional sale contract. As amended by this bill, the statute will also apply to rented property and to the act of converting personal property to one's own use or willfully and without reasonable cause failing to return a leased or rented article within 10 days after written notice is sent by certified or registered mail.

Veto message.

"House Bill No. 313 which was passed in the regular session of the 1965 legislature made it a felony to fail to return within a reasonable time after notice any motor vehicle, machinery or equipment having a fair market value of more than \$2,000. Although the language is not identical, House Bill No. 520 and House Bill No. 313 are comparable.

"However, section 2 of House Bill No. 520 provides that any person who successfully defends an action brought under section 1 of the bill may recover costs, expenses, attorneys fees, and reasonable compensation for time lost in defending the action from the rentor or lessor of the property. No comparable provision was contained in House Bill No. 313. Moreover, section 1 is not limited to rented or leased property but also property held under mortgage, lien or conditional sale contract. In addition, the provisions of section 2 would not only apply to a failure to return rented or leased property but also to its destruction, conversion, removal or concealment.

"Section 2 is undoubtedly intended to deter owners of property from using law enforcement agencies as collection agents or as a substitute for civil process. I share this concern; however section 2 would introduce a new concept into our criminal laws and would make the owner of property the guarantor of all actions taken by the law enforcement officers, prosecutors and judges who might be involved with the criminal proceeding. I do not believe that imposing this responsibility upon owners of property would be wise.

"For the foregoing reasons I have vetoed section 2. The remainder of House Bill No. 520 is approved."

DANIEL J. EVANS,
Governor.