

NEW SECTION. Sec. 5. This 1979 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 immediately.

Passed the Senate April 17, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

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## CHAPTER 85

[Substitute Senate Bill No. 3022]

### FOUND AND UNCLAIMED PERSONAL PROPERTY—DISPOSITION— FINDER—LOCAL GOVERNMENT

AN ACT Relating to local government disposition of found and unclaimed personal property; adding a new chapter to Title 63 RCW; repealing section 3266, Code of 1881 and RCW 63.20.010; repealing section 3270, Code of 1881 and RCW 63.20.020; repealing section 3267, Code of 1881 and RCW 63.20.030; repealing section 3268, Code of 1881 and RCW 63.20.040; repealing section 3269, Code of 1881 and RCW 63.20.050; repealing section 2, chapter 289, Laws of 1959, section 2, chapter 44, Laws of 1973 1st ex. sess., section 1, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.010; repealing section 3, chapter 289, Laws of 1959, section 3, chapter 44, Laws of 1973 1st ex. sess., section 2, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.020; and repealing section 4, chapter 289, Laws of 1959, section 3, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.030.

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

NEW SECTION. Section 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:

(1) 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;

(2) 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, or his or her designated representative, of the governmental entity where the property was found, and serve written notice upon the officer 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; and

(3) Within thirty days of the finding 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.

NEW SECTION. Sec. 2. 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, the owner's right to possession of the property; or

(2) If the chief law enforcement officer determines and so informs the finder that the property is illegal for the finder to possess.

NEW SECTION. Sec. 3. (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 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:

(a) Compliance with the publication requirement of this chapter; and

(b) If the property is valued at more than twenty-five dollars, payment to the treasurer of the governmental entity handling the found property, the amount of five dollars, or ten percent of the appraised value of the property, whichever is greater, which amount shall be deposited in the general fund of the governmental entity.

(2) When ninety days have passed after the found property was reported to the appropriate officer, 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.

NEW SECTION. Sec. 4. 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.

NEW SECTION. Sec. 5. The chief law enforcement officer or his or her designated representative to whom a finder surrenders property, shall:

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

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

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

(4) If the property is valued at twenty-five dollars or less, allow the finder to retain the property if it is determined there is no reason for the officer to retain the property;

(5) If the property exceeds twenty-five dollars in value and has been requested to be surrendered to the law enforcement agency, retain the property for sixty days before it can be claimed by the finder under this chapter, unless the owner shall have recovered the property;

(6) 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;

(7) 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

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

NEW SECTION. Sec. 6. 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, or his or her designated representative, 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 or his or her designated representative. 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.

NEW SECTION. Sec. 7. 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.

NEW SECTION. Sec. 8. 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; and
- (3) Uniform disposition of unclaimed property under chapter 63.28 RCW.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 63 RCW.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1) Section 3266, Code of 1881 and RCW 63.20.010;
- (2) Section 3270, Code of 1881 and RCW 63.20.020;
- (3) Section 3267, Code of 1881 and RCW 63.20.030;
- (4) Section 3268, Code of 1881 and RCW 63.20.040;
- (5) Section 3269, Code of 1881 and RCW 63.20.050;

(6) Section 2, chapter 289, Laws of 1959, section 2, chapter 44, Laws of 1973 1st ex. sess., section 1, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.010;

(7) Section 3, chapter 289, Laws of 1959, section 3, chapter 44, Laws of 1973 1st ex. sess., section 2, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.020; and

(8) Section 4, chapter 289, Laws of 1959, section 3, chapter 28, Laws of 1975 1st ex. sess. and RCW 63.36.030.

NEW SECTION. Sec. 11. 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.

Passed the Senate April 16, 1979.

Passed the House April 11, 1979.

Approved by the Governor April 26, 1979.

Filed in Office of Secretary of State April 26, 1979.

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## CHAPTER 86

[Engrossed Substitute Senate Bill No. 3066]

### OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR—DEPARTMENT OF REVENUE—TRANSFER OF DUTIES

AN ACT Relating to the state auditor and the office of financial management; amending section 4, chapter 284, Laws of 1955 and RCW 13.24.040; amending section 47.24.010, chapter 13, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1977 ex. sess. and RCW 47.24.010; amending section 84.48.080, chapter 15, Laws of 1961 as last amended by section 99, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.48.080; amending section 84.48.110, chapter 15, Laws of 1961 as amended by section 11, chapter 95, Laws of 1973 and RCW 84.48.110; amending section 84.48.120, chapter 15, Laws of 1961 as amended by section 206, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.48.120; amending section 84.56.280, chapter 15, Laws of 1961 and RCW 84.56.280; amending section 84.56.290, chapter 15, Laws of 1961 and RCW 84.56.290; and creating a new section.

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

Section 1. Section 4, chapter 284, Laws of 1955 and RCW 13.24.040 are each amended to read as follows:

The compact administrator, subject to the approval of the ((state auditor)) office of financial management, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Sec. 2. Section 47.24.010, chapter 13, Laws of 1961 as last amended by section 57, chapter 151, Laws of 1977 ex. sess. and RCW 47.24.010 are each amended to read as follows:

The transportation commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor