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HOUSE BILL 1623

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Senn, Springer, Tarleton, and Slatter

1 AN ACT Relating to secondhand dealers utilizing automated kiosks  
2 to purchase secondhand electronic devices; amending RCW 19.60.020 and  
3 19.60.055; reenacting and amending RCW 19.60.010; and adding a new  
4 section to chapter 19.60 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 19.60.010 and 2011 c 289 s 2 are each reenacted and  
7 amended to read as follows:

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

10 (1) "Automated kiosk" means a self-serve interactive machine that  
11 purchases secondhand electronic devices.

12 (2) "Loan period" means the period of time from the date the loan  
13 is made until the date the loan is paid off, the loan is in default,  
14 or the loan is refinanced and new loan documents are issued,  
15 including all grace or extension periods.

16 ((+2)) (3) "Melted metals" means metals derived from metal junk  
17 or precious metals that have been reduced to a melted state from  
18 other than ore or ingots which are produced from ore that has not  
19 previously been processed.

1        ~~((3))~~ (4) "Metal junk" means any metal that has previously been  
2 milled, shaped, stamped, or forged and that is no longer useful in  
3 its original form, except precious metals.

4        ~~((4))~~ (5) "Nonmetal junk" means any nonmetal, commonly  
5 discarded item that is worn out, or has outlasted its usefulness as  
6 intended in its original form except nonmetal junk does not include  
7 an item made in a former period which has enhanced value because of  
8 its age.

9        ~~((5))~~ (6) "Pawnbroker" means every person engaged, in whole or  
10 in part, in the business of loaning money on the security of pledges  
11 of personal property, or deposits or conditional sales of personal  
12 property, or the purchase or sale of personal property.

13        ~~((6))~~ (7) "Precious metals" means gold, silver, and platinum.

14        ~~((7))~~ (8) "Secondhand dealer" means every person engaged in  
15 whole or in part in the business of purchasing, selling, trading,  
16 consignment selling, or otherwise transferring for value, secondhand  
17 property including metal junk, melted metals, precious metals,  
18 whether or not the person maintains a fixed place of business within  
19 the state. Secondhand dealer also includes persons or entities  
20 conducting business, more than three times per year, at flea markets  
21 or swap meets. Secondhand dealer also includes persons or entities  
22 operating an automated kiosk.

23        ~~((8))~~ (9) "Secondhand precious metal dealer" means any person  
24 or entity engaged in whole or in part in the commercial activity or  
25 business of purchasing, selling, trading, consignment selling, or  
26 otherwise transferring for value, more than three times per year,  
27 secondhand property that is a precious metal, whether or not the  
28 person or entity maintains a permanent or fixed place of business  
29 within the state, or engages in the business at flea markets or swap  
30 meets. The terms "precious metal" and "secondhand property," for  
31 purposes of transactions by a secondhand precious metal dealer, do  
32 not include: (a) Gold, silver, or platinum coins, or other precious  
33 metal coins, that are legal tender, or precious metal coins that have  
34 numismatic or precious metal value, (b) gold, silver, platinum, or  
35 other precious metal bullion, or (c) gold, silver, platinum, or other  
36 precious metal dust, flakes, or nuggets.

37        ~~((9))~~ (10) "Secondhand property" means any item of personal  
38 property offered for sale which is not new, including metals in any  
39 form, except postage stamps, coins that are legal tender, bullion in

1 the form of fabricated hallmarked bars, used books, and clothing of a  
2 resale value of seventy-five dollars or less, except furs.

3 ~~((+10))~~ (11) "Transaction" means a pledge, or the purchase of,  
4 or consignment of, or the trade of any item of personal property by a  
5 pawnbroker or a secondhand dealer from a member of the general  
6 public.

7 **Sec. 2.** RCW 19.60.020 and 1991 c 323 s 2 are each amended to  
8 read as follows:

9 (1) Every pawnbroker and secondhand dealer doing business in this  
10 state shall maintain wherever that business is conducted a record in  
11 which shall be legibly written in the English language, at the time  
12 of each transaction the following information:

13 (a) The signature of the person with whom the transaction is  
14 made;

15 (b) The date of the transaction;

16 (c) The name of the person or employee or the identification  
17 number of the person or employee conducting the transaction, as  
18 required by the applicable chief of police or the county's chief law  
19 enforcement officer;

20 (d) The name, date of birth, sex, height, weight, race, and  
21 address and telephone number of the person with whom the transaction  
22 is made;

23 (e) A complete description of the property pledged, bought, or  
24 consigned, including the brand name, serial number, model number or  
25 name, any initials or engraving, size, pattern, and color or stone or  
26 stones, and in the case of firearms, the caliber, barrel length, type  
27 of action, and whether it is a pistol, rifle, or shotgun;

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

29 (g) The type and identifying number of identification used by the  
30 person with whom the transaction was made, which shall consist of a  
31 valid drivers license or identification card issued by any state or  
32 two pieces of identification issued by a governmental agency, one of  
33 which shall be descriptive of the person identified. At all times,  
34 one piece of current government issued picture identification will be  
35 required; and

36 (h) The nature of the transaction, a number identifying the  
37 transaction, the store identification as designated by the applicable  
38 law enforcement agency, or the name and address of the business and

1 the name of the person or employee, conducting the transaction, and  
2 the location of the property.

3 (2) This record shall at all times during the ordinary hours of  
4 business, or at reasonable times if ordinary hours of business are  
5 not kept, be open to the inspection of any commissioned law  
6 enforcement officer of the state or any of its political  
7 subdivisions, and shall be maintained wherever that business is  
8 conducted, or at the secondhand dealer's principal place of business  
9 if the transaction took place through the use of an automated kiosk,  
10 for three years following the date of the transaction.

11 **Sec. 3.** RCW 19.60.055 and 1991 c 323 s 6 are each amended to  
12 read as follows:

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

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

28 (3) Property bought by any secondhand dealer through the use of  
29 an automated kiosk must be held for at least thirty days after the  
30 secondhand property was accepted by the automated kiosk. To satisfy  
31 this requirement the secondhand property may be held inside the  
32 automated kiosk or at a secure location maintained by the secondhand  
33 dealer. The secondhand property purchased through an automated kiosk  
34 must be made available to any commissioned law enforcement officer of  
35 the state, or any of its political subdivisions, for inspection  
36 within a reasonable time. The cost of transporting the secondhand  
37 property to the law enforcement officer must be paid by the  
38 secondhand dealer.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 19.60  
2    RCW to read as follows:

3        For a secondhand dealer to utilize an automated kiosk to purchase  
4    secondhand property in this state, the automated kiosk must have the  
5    capability to:

6        (1) Collect all information required under RCW 19.60.020(1);

7        (2) Connect with a live customer service representative that can  
8    remotely verify the identity of the person engaged in the  
9    transaction;

10       (3) Compare the secondhand property purchased against a state or  
11    federal database of stolen items using the serial number,  
12    International Mobile Equipment Identity (IMEI), the mobile equipment  
13    identifier (MEID), or other unique identifying number assigned to the  
14    device by the manufacturer; and

15       (4) Securely store all secondhand property purchased.

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