

Washington Metal Scrap Statute

This document is provided as background information for ISRI members. It does not constitute legal advice. Scrap recyclers should consult their attorneys/legal advisors regarding the application of the law and regulations to each company's individual circumstances. Other laws governing precious metals, secondhand materials, vehicles, and the like may apply.

Current as of August 30, 2023

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Please Note: Amendments by [2023 Washington SB 5542](#), effective July 23, 2023, are included and noted in this summary.

Washington also addresses catalytic converters under [RCW 46.80](#) for vehicle wreckers as major component parts with similar payment restrictions.

Materials Covered and Other Definitions (edited for clarity and conciseness)

Covered Metal Property, as used in this summary, refers to an item of Private Metal Property, Nonferrous Metal Property, or Commercial Metal Property.

"Nonferrous Metal Property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. Excludes Precious Metals (gold, silver, and platinum).

"Private Metal Property" means catalytic converters, either singly or in bundles, bales, or bulk, that have been removed from vehicles for sale as a specific commodity.

- Note: catalytic converters are also addressed under RCW 46.80 for vehicle wreckers.

"Commercial Metal Property" means:

- Utility access covers;
- Street light poles and fixtures;
- Road and bridge guardrails;
- Highway or street signs;



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- Water meter covers;
- Traffic directional and control signs;
- Traffic light signals;
- Any metal property marked with the name of a Commercial Enterprise;
- Unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters;
- Aluminum or stainless steel fence panels made from 1 inch tubing, 42 inches high with 4-inch gaps;
- Aluminum decking, bleachers, or risers;
- Historical markers;
- Statue plaques;
- Grave markers and funeral vases;
- *(added by SB 5542)* Components of electric vehicle supply equipment made available for commercial or public use; or
- Agricultural irrigation wheels, sprinkler heads, and pipes.

"Scrap Metal Business" means one of the following:

- "Scrap Metal Processor": a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving Covered Metal Property for altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.
- "Scrap Metal Recycler": a person with a current business license that is engaged in the business of purchasing or receiving Covered Metal Property for aggregation and sale to another Scrap Metal Business and that maintains a fixed place of business within the state.
- "Scrap Metal Supplier": a person with a current business license that is engaged in the business of purchasing or receiving Private or Nonferrous metal property for aggregation and sale to a Scrap Metal Recycler or Scrap Metal Processor and that does not maintain a fixed business location in the state.

"Engage in business" means more than 12 transactions in a 12-month period.

"Commercial Enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

"Commercial Account" means a relationship between a Scrap Metal Business and a Commercial Enterprise that is ongoing and properly documented.

"Transaction" means a pledge, purchase or trade of Private or Nonferrous Metal Property by a Scrap Metal Business from a member of the general public. Excludes donations or the purchase or receipt of Private or Nonferrous Metal Property from a Commercial Enterprise, another Scrap Metal Business, or a duly authorized employee or agent of such.

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Exemptions

The Recordkeeping - General Public and the Payment Restrictions provisions exempt donations or the purchase or receipt of Nonferrous or Private Metal Property by a Scrap Metal Business involving a Commercial Enterprise, another Scrap Metal Business, or a duly authorized employee or agent of such.

Excludes transactions involving metal from the components of vehicles acquired by vehicle wreckers, hulk haulers, or scrap processors licensed under § 46.79 or § 46.80 and acquired in accordance with such or transactions conducted by:

- Motor vehicle dealers licensed under § 46.70
- Persons operating an automotive repair facility as defined under § 46.71.011; or
- Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

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Recordkeeping - General Public

A Scrap Metal Business must create an accurate and legible English record of each purchase, pledge, or trade of Nonferrous or Private Metal Property from a member of the general public. The record must be on a standardized or electronic form with the following:

- The Seller's signature;
- The time, date and location;
- The value of the transaction;
- The name of the employee representing the Scrap Metal Business;
- The Seller's name, street address, and telephone number;
- The license plate number, state of issue, and a description of the delivery vehicle;
- Either a copy of or the identification number from the Seller's government-issued photo ID card;
- A description of the predominant types of property using ISRI's generally accepted terminology, and including weight, quantity, or volume;
- For transactions specifically involving a catalytic converter that has been removed from a motor vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.
- A declaration on the record or transaction receipt, signed and dated by the Seller and witnessed and signed by the employee conducting the transaction, substantially stating the following:
"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

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Private or Commercial Metal Property

A Scrap Metal Business may not purchase or receive Private or Commercial Metal Property unless one of the following applies:

- The Seller has a Commercial Account with the Scrap Metal Business;
- The Seller produces written documentation proving the Seller is the owner; or

- The Seller produces written documentation proving the Seller is an employee or agent authorized to sell on behalf of a Commercial Enterprise.

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Recordkeeping - Commercial Accounts

A Scrap Metal Business must create a permanent record with a Commercial Enterprise, including another Scrap Metal Business, with the following information to create a Commercial Account:

- The full name of the Commercial Enterprise or Account;
- The business address and phone number of the Commercial Enterprise or Account;
- The full name of the employee authorized to deliver Covered Metal Property;
- The time and date property was purchased or received;
- The value of the transaction;
- The signature of the Deliverer.

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Payment Restrictions/Additional Recordkeeping

Except as provided below, no cash payments for Private Metal Property or Nonferrous Metal Property; payments must be by a nontransferable check, mailed to a street address provided for the records no earlier than three days after the transaction date.

Payment to individual sellers of Private Metal Property shall not be paid earlier than 3 business days after the transaction was made, with a digital record of:

- A copy of the Seller's current government-issued picture identification; and
- Either a picture or video of either:
 - The property in the form received, or
 - of the property within the delivery vehicle,with video surveillance sufficient as long as the video captures the property.

Up to \$30 may be paid in cash, stored value device, or electronic funds transfer for Nonferrous Metal Property, with the balance made by nontransferable check, stored value device, or electronic funds transfer at the time of the transaction, if the Scrap Metal Business additionally records the copy of the seller's ID and picture or video of the property as outlined for Private Metal Property.

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Retention

Records must generally be retained for 5 years wherever that business is conducted, except: that

- For Private Metal payments, or for Nonferrous Metal exercising the cash payment option:
 - A digital image or picture of the property must be retained for 2 years;
 - A video of the property must be retained for 30 days;
- Commercial Account records must be retained for 3 years.

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Inspection

Records must be open at all times during ordinary business hours, or at reasonable times if ordinary hours are not kept, for inspection by any commissioned law enforcement officer of the state or any of its political subdivisions.

License certificates may be inspected by an investigating officer at any time. Licensed premises and records may be inspected during normal business hours by chiefs of police, county sheriffs, the Washington state patrol, or an authorized agent of the Department of Licensing, and are subject to unannounced periodic inspections.

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Reporting

A Scrap Metal Business with good cause to believe that any Covered Metal Property in its possession was previously lost or stolen must promptly report the following to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer:

- The name of the owner of the property, if known;
- The date the property was received;
- The name of the Seller.

Upon request by any commissioned law enforcement officer of the state or any political subdivision, every Scrap Metal Business must furnish record transcripts involving only a specified individual, vehicle, or item. Such reports must be transmitted within 2 business days electronically, by fax, modem or similar, or by delivery of a computer disk subject to the requirements and approval of the chief of police or county's chief law enforcement officer. Reports are exempt from disclosure under § 42.56.

Compliance with the Reporting requirements shall not give rise to or form the basis of private civil liability on the part of a Scrap Metal Business.

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Tag and Hold

Following written notice from a commissioned law enforcement officer of the state or a political subdivision that an item of Covered Metal Property has been reported stolen, a Scrap Metal Business must tag and hold the item up to 10 business days. An officer may only place a hold if their agency reasonably suspects the property is a lost or stolen item. If an item is determined not stolen or lost, any hold must be removed within 10 business days and the property returned to the owner or released.

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Burned Metallic Wire

No purchase or receipt of metallic wire burned in whole or in part to remove insulation unless the Seller produces written proof the wire was lawfully burned.

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Beer Kegs

A Scrap Metal Business may only purchase or receive beer kegs from a beer keg manufacturer or a licensed brewery.

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No Buy List

A Scrap Metal Business may not purchase or receive Covered Metal Property from a person, whether the person is acting on their own or as an agent of another, if the business was informed by a law enforcement agency that the person was convicted of a crime involving one of the following within the past 4 years:

- Drugs, burglary, robbery, theft, or possession of or receiving stolen property,
- Manufacturing, delivering, or possessing with intent to deliver methamphetamine,
- Possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine.

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No Buy List Database

Beginning July 1, 2014, and to the extent funds are appropriated, the Washington Association of Sheriffs and Police Chiefs shall create and operate an ongoing web-accessible No Buy List database on a secured network or website. The database must allow any Scrap Metal Business to enter a customer's name and date of birth and determine whether the customer has been convicted of a crime in Washington involving burglary, robbery, theft, or possession or receiving stolen property within the past 4 years, and send the Business an alert if the customer is on the No Buy List. A Scrap Metal Business must check the No Buy List before completing any Covered Metal transaction. The Association is not liable for civil damages from an act or omission in carrying out the list unless it is gross negligence or willful or wanton misconduct. The database shall also include individuals who have attempted to purchase or sell unlawfully obtained metals at licensed scrap metal recyclers and individuals who attempt to conduct a transaction while under the influence of controlled substances. Local jurisdictions applying for grants under RCW 36.28A.240 must provide updates to the No-Buy List Database annually and 120 days after a grant is distributed.

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Scrap Theft Alerts

Law enforcement agencies may register with ISRI's Scrap Theft Alert system to receive alerts on thefts of Covered Metal in the relevant area.

Any licensed Scrap Metal Business must sign up with ISRI's Scrap Theft Alert system to receive alerts, download the alerts on a general basis, use the alerts to identify potentially stolen Covered Metal Property, and maintain copies of any theft alerts for 90 days.

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Licensing

A Scrap Metal Business must be licensed by the Department of Licensing, with licenses valid for 1 year. An application must include the following:

- Signature of the licensee or their authorized agent;
- Name and address of the person, firm, partnership, association, limited liability company, or corporation under which name the business is to be conducted;
- Names and residence addresses of all persons with an interest in the business, or for a corporation, the officers;

- A Certificate of Approval from the chief executive officer or chief of police of an incorporated area or sheriff of a county, or their designee, or an authorized representative of the Department of Licensing, certifying that:
 - The applicant has an established place of business at the address shown;
 - There are no environmental, building code, zoning, or other land use regulation violations associated with the business; and
 - For a renewal, that the applicant is in compliance with the law.
 - Any other information that the Department of Licensing may require.

A Scrap Metal Processor or Recycler (but not a Supplier) must also file a \$10,000 surety bond filed with the Department of Licensing, from which any person who has suffered loss or damage by reason of fraud, gross negligence, or an intentional or reckless violation of the law, or misrepresentation by the Processor or Recycler, may institute an action for recovery. The aggregate liability of the surety shall not exceed the bond.

The Scrap Metal Business must prominently display its license certificate in the place of business. A licensee must also obtain special license plates for their vehicles, for a fee of \$5 for the original plates and \$2 for each additional set with the same number. A licensee with multiple locations may use vehicles with the special plates out of any licensed location.

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Department of Licensing Powers

The Director of Licensing may adopt reasonable rules and regulations that do not conflict with the law, and set forth all licensing and renewal fees.

The Department of Licensing or its authorized agent may examine or subpoena any persons, books, papers, records, data, vehicles, or metal property bearing upon an investigation or proceeding under the law. The Director of Licensing or an authorized agent may administer an oath to testify under penalty of perjury in the first degree. The Director or an authorized agent may also obtain a superior court order approving and authorizing a subpoena in advance, without prior notice to the person being subpoenaed or investigated.

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Penalties

Engaging in business as a Scrap Metal Business without a license is a gross misdemeanor, or a class C felony for a second or subsequent offense. Unlicensed practice, the issuance and denial of license, and the discipline of licensees is covered by § 18.235. The Department of Licensing may refuse to issue a license if the license is filed by or on behalf of an applicant has previously had a license canceled, or if the Department is of the opinion the application is not filed in good faith.

Under [§ 9A.56.410](#), Metal Property Deception, it is a gross misdemeanor under § 9A.20 for:

- Any person to deliberately remove, alter, or obliterate any identifying marks engraved or etched upon an item in order to deceive a Scrap Metal Business;

- Any Scrap Metal Business to purchase or receive an item where any engraved or etched identifying marks have been deliberately and conspicuously removed, altered, or obliterated;
- Any person to knowingly make, cause, or allow a false entry or misstatement of any material matter in a required record;
- Any Scrap Metal Business to purchase or receive an item from any person under the age of 18 years or any person who is discernibly under the influence of intoxicating liquor or drugs;
- Any Scrap Metal Business to purchase or receive an item in violation of the No Buy List provision;
- Any person to sign a declaration that property was not stolen while knowing it was stolen; such is also evidence of intent to defraud a Scrap Metal Business;
- Any Scrap Metal Business to possess Private Metal Property or Commercial Metal Property that was not lawfully purchased or received under the law's requirements;
- Any Scrap Metal Business to engage in a series of transactions under \$30 with the same Seller to avoid compliance with the Payment Restrictions provision;
- Any person to knowingly make a false or fictitious oral or written statement or furnish or exhibit false, fictitious, or misrepresented identification to deceive a Scrap Metal Business as to the identity of the Seller.

Each violation not subject to the criminal penalties above is punishable by a fine of up to \$1,000, or up to \$2,000 for a subsequent violation within 2 years of the previous.

Notwithstanding any fines imposed as part of the sentence, each offense involving a catalytic converter is punishable by a \$1,000 fine per catalytic converter, 10% of which shall be directed to the No-Buy List Database Program, and the remainder to the Washington Association of Sheriffs and Police Chiefs solely for grants under RCW 36.28A.240.

Facilitating the offer of a used catalytic converter for sale without first verifying proof of ownership, or failing to retain verified records of ownership for at least 2 years, is an unfair or deceptive act or practice or unfair method of competition under RCW 19.86, with any damages awarded to the state distributed with 90% to the grant and training program under RCW 36.28A.240 and 10% to the No-Buy List Database Program

Under [§ 9A.56](#), Theft of Covered Metal Property is theft of the first degree if the costs of the damage to the owner's property exceed \$5,000 in value, or theft of the second degree if costs exceed \$750 but do not exceed \$5,000.

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Seizure of Property

For a crime involving theft, trafficking, or unlawful possession of Commercial Metal Property of at least a class C felony, the following property is subject to seizure:

- Personal Property used or intended for use by the owner or person in charge to knowingly and intentionally facilitate or abet such a crime;

- Personal Property furnished or intended to be furnished as compensation for such;
- Real or Personal Property acquired in whole or part with proceeds traced to such,
- Real Property used with the actual and constructive knowledge of the owner for the intentional commission of such a crime.

Seizure does not apply to:

- A vehicle used by a person as a common carrier unless the owner or person in charge is proved to be a consenting party or privy to the crime;
- Real or personal property subject to the interest of a secured party if the party had no actual or constructive knowledge of and did not consent to such a crime;
- Real or personal property that was used by the owner's employee or agent in such a crime in violation of the owner's instructions or policies against such and without the owner's knowledge or consent;

A law enforcement officer acting under a process from a superior court with jurisdiction may seize property. Seized real property shall not be transferred for 90 days or until a judgment of forfeiture is entered, whichever is later. Personal property may be seized without process if the seizure is incidental to an arrest, a search under a search warrant, or the property was subject to a prior criminal judgment or forfeiture in favor of the state.

The seizing agency must serve notice within 15 days to the owner, the person in charge of the property, and anyone with a known right or interest to the property. Notices for real property must be served in accordance to the rules of civil procedure, except the state may not obtain a default judgment against a person served by substitute service without an affidavit of a good faith effort to check if the person was incarcerated in the state.

Unless someone notifies the seizing agency in writing of a claim to the property within 45 days for personal property or 90 days for real property, the item shall be deemed forfeited. A person asserting a claim may be heard before the chief law enforcement officer of the seizing agency, their designee, or an administrative law judge. The claimant may insist on a court hearing, but must serve process according to the law. In a court hearing between two or more claimants, the prevailing party is entitled to costs and reasonable attorney's fees.

Property that is lawfully seized may be retained for official use, released to another law enforcement agency, or sold if not required to be destroyed by law, with 50% of the net proceeds remitted to any known victim of the crime involving the seized property.

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Metal Theft Enforcement Grants

To the extent funds are appropriated, the Washington Association of Sheriffs and Police Chiefs shall develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

- Development of best practices for targeting illegal purchasers and sellers, with specific enforcement focus on catalytic converter theft;



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- Strategies for development and maintenance of relationships with licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and
- Establishment of a grant program to assist local law enforcement in targeting metal theft, reviewed by the WA Association of Sheriffs and Police Chiefs in consultation with other appropriate entities. Applicants with a demonstrated increase in metal theft over the previous 24 months are encouraged to focus solely on metal theft and unlawful purchasing and selling in their jurisdiction, but may coordinate with other jurisdictions. Grant awards may not supplant preexisting funding sources for metal theft enforcement. Applicants must:
 - Show a significant metal theft problem in the jurisdiction(s) receiving the grant;
 - Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction, including the number of enforcement stings to be conducted;
 - Demonstrate community coordination focusing on prevention, intervention, and suppression; and
 - Collect data on performance, including the number of enforcement stings to be conducted.

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Catalytic Converter Theft Work Group

The WA State University shall convene a work group to study and provide a preliminary report and recommendations to reduce catalytic converter theft to the Legislature's transportation and public safety committees by November 1, 2022, and provide a final report and recommendations, including recommendations on a potential pilot program, by January 1, 2023.

The work group shall review state laws related to catalytic converter theft, national efforts to address such, data collection and analysis of theft incidents in WA, options to deter and end catalytic converter theft, including marking, options to reduce costs to victims, and a review of the effectiveness of the grant and training program under RCW 36.28A.240.

Recommendations must include, but are not limited to, changes to state law; a pilot program to reduce theft, including by prioritizing highly impacted communities; and cost estimates and evaluation criteria for the pilot program;

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Severability

If any provision or its application to a person or circumstance is held invalid, the remainder of the law or its application to other persons or circumstances is not affected.

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Liberal Construal

The law shall be liberally construed to prevent traffic in stolen metal property, to prevent irresponsible, unreliable, or dishonest persons from engaging as a Scrap Metal Business, and to encourage reliable persons to engage in a Scrap Metal Business.

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Preemption

The regulation of Scrap Metal Businesses is preempted by the state. Any political subdivision may only enact or enforce laws and ordinances related to such that are specifically authorized by and consistent with the law. Nothing in the law is intended to limit a political subdivision's authority to impose zoning, land use, permitting, general business licensing, environmental, and health and safety requirements or authorized business taxes within their jurisdictions. Local ordinances must have the same or lesser penalty as provided by state law; local ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law are preempted and repealed.

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References and Recent Amendments

Statutes

- [Wash. Rev. Code Title 19, Chapter 19.290](#) Metal Property; § 19.290.010 to § 19.290.901
- [Wash. Rev. Code Title 9A, Chapter 9A.56](#) Theft and Robbery
 - [§ 9A.56.030](#) Theft in the first degree.
 - [§ 9A.56.410](#) Metal Property deception.

Recent Amendments

- [2013 Washington HB 1552](#)
- [2022 Washington HB 1815](#), effective March 30, 2022, except that payment amendments are effective May 1, 2022, and penalties and vehicle wrecker amendments are effective July 1, 2022.
- [2023 Washington SB 5542](#), effective July 23, 2023

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