

**Chapter 9.45 RCW
FRAUDS AND SWINDLES**

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30A.12.100.*

preferential transfers: RCW 30A.44.110.

receiving deposits when insolvent: RCW 30A.44.120.

using name of unlawfully: RCW 30A.04.020.

"Bushing" by motor vehicle dealers: RCW 46.70.180(4).

Cemeteries, representing fund as perpetual: RCW 68.40.085.

Cigarette tax fraud: RCW 82.24.110.

*Domestic insurers, illegal or corrupt practices: RCW 48.06.190,
48.07.060, 48.08.040.*

Election fraud: Chapter 29A.84 RCW.

Employment agent, fraud: RCW 49.44.050.

Falsification of books of credit union: Chapter 31.12 RCW.

Fish and wildlife, false or misleading information: RCW 77.15.270.

Food, drugs, and cosmetics: RCW 69.04.040, 69.04.060, 69.04.070.

Fraud: Chapter 9A.60 RCW.

Fraud by engraver of public bonds: RCW 39.44.101.

Fraudulent conveyances: Chapter 19.40 RCW.

Insurance

agent, etc., appropriating funds, etc.: RCW 48.17.480.
fraud and unfair practices: Chapter 48.30 RCW.

Insured property, fraudulent injury or destruction: RCW 48.30.220.

Intent to defraud: RCW 10.58.040.

Motor vehicle

certificates of title, falsifying: RCW 46.12.750.
dealers: RCW 46.70.180.

Mutual savings banks

falsification of books, etc.: RCW 32.04.100.
transfers due to insolvency: RCW 32.24.080.

Obtaining employment by false recommendation: RCW 49.44.040.

Ownership of property, proof of: RCW 10.58.060.

Public assistance fraud: RCW 74.08.055, 74.08.331.

Savings and loan associations

falsification of books, etc.: RCW 33.36.040.
illegal loans and purchasing at discount by employees: RCW
33.36.010, 33.36.020.
preferential transfers of property: RCW 33.36.030.

Sporting contest fraud: RCW 67.24.010.

State employees' retirement, falsification of statements, etc.: RCW
41.40.055.

State patrol retirement fund, falsifications: RCW 43.43.320.

Tax assessed property, removal to avoid payment: RCW 84.56.120,
84.56.200.

Teachers' retirement, falsification of statements, etc.: RCW
41.32.055.

Wages, rebating, etc., by employers: RCW 49.52.050, 49.52.090.

Warehouse operator or common carrier issuing false documents: Chapter
22.32 RCW.

RCW 9.45.020 Substitution of child. Every person to whom a child has been confided for nursing, education or any other purpose, who, with intent to deceive a person, guardian or relative of such child, shall substitute or produce to such parent, guardian or relative, another child or person in the place of the child so confided, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years. [2003 c 53 s 29; 1992 c 7 s 9; 1909 c 249 s 123; RRS s 2375.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 9.45.060 Encumbered, leased, or rented personal property—Construction. Every person being in possession thereof, who shall sell, remove, conceal, convert to his or her own use, or destroy or connive at or consent to the sale, removal, conversion, concealment, or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract or the lessor under such lease or rentor under such rental agreement, or any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease shall be guilty of a gross misdemeanor.

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

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision. [2011 c 336 s 298; 1971 c 61 s 1; 1965 ex.s. c 109 s 1; 1909 c 249 s 377; RRS s 2629.]

Destruction or removal of fixtures, etc., from mortgaged real property: RCW 61.12.030.

Larceny, sale of mortgaged property: Chapter 9A.56 RCW.

RCW 9.45.070 Mock auctions. Every person who shall obtain any money or property from another or shall obtain the signature of another to any writing the false making of which would be forgery, by color or aid of any false or fraudulent sale of property or pretended sale of property by auction, or by any of the practices known as mock auction, shall be punished by imprisonment in a state correctional facility for not more than five years or in the county jail for up to three hundred sixty-four days, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

Every person who shall buy or sell or pretend to buy or sell any goods, wares or merchandise, exposed to sale by auction, if an actual sale, purchase and change of ownership therein does not thereupon take place, shall be guilty of a misdemeanor. [2011 c 96 s 6; 1992 c 7 s 10; 1909 c 249 s 378; RRS s 2630.]

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

Auctioneering without license: RCW 36.71.070.

Auctioneers: Chapter 18.11 RCW.

RCW 9.45.080 Fraudulent removal of property. Every person who, with intent to defraud a prior or subsequent purchaser thereof, or prevent any of his or her property being made liable for the payment of any of his or her debts, or levied upon by an execution or warrant of attachment, shall remove any of his or her property, or secrete, assign, convey, or otherwise dispose of the same, or with intent to defraud a creditor shall remove, secrete, assign, convey, or otherwise dispose of any of his or her books or accounts, vouchers or writings in any way relating to his or her business affairs, or destroy, obliterate, alter, or erase any of such books of account, accounts, vouchers, or writing or any entry, memorandum, or minute therein contained, shall be guilty of a gross misdemeanor. [2011 c 336 s 299; 1909 c 249 s 379; RRS s 2631.]

RCW 9.45.090 Knowingly receiving fraudulent conveyance. Every person who shall receive any property or conveyance thereof from another, knowing that the same is transferred or delivered to him or her in violation of, or with the intent to violate RCW 9.45.080, shall be guilty of a misdemeanor. [2011 c 336 s 300; 1909 c 249 s 380; RRS s 2632.]

RCW 9.45.100 Fraud in assignment for benefit of creditors. Every person who, having made, or being about to make, a general assignment of his or her property to pay his or her debts, shall by color or aid of any false or fraudulent representation, pretense, token, or writing induce any creditor to participate in the benefits of such assignments, or to give any release or discharge of his or her claim or any part thereof, or shall connive at the payment in whole or in part of any false, fraudulent or fictitious claim, shall be guilty of a gross misdemeanor. [2011 c 336 s 301; 1909 c 249 s 381; RRS s 2633.]

Assignment for benefit of creditors: Chapter 7.08 RCW.

Banks and trust companies, preferential transfers: RCW 30A.44.110.

Mutual savings banks, transfer of assets due to insolvency: RCW 32.24.080.

RCW 9.45.122 Measurement of commodities—Public policy. Because of the widespread importance to the marketing of goods, raw materials, and agricultural products such as, but not limited to, grains, timber, logs, wood chips, scrap metal, oil, gas, petroleum products, coal, fish and other commodities, that qualitative and quantitative measurements of such goods, materials and products be accurately and honestly made, it is declared to be the public policy of this state that certain conduct with respect to said measurement be declared unlawful. [1967 c 200 s 1.]

Severability—1967 c 200: "If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or

application, and to this end the provisions of this act are declared to be severable." [1967 c 200 s 13.]

Weights and measures: Chapter 19.94 RCW.

RCW 9.45.124 Measurement of commodities—Measuring inaccurately—Altering measuring devices—Penalty. Every person, corporation, or association whether profit or nonprofit, who shall ask or receive, or conspire to ask or receive, directly or indirectly, any compensation, gratuity, or reward or any promise thereof, on any agreement or understanding that he or she shall (1) intentionally make an inaccurate visual or mechanical measurement or an intentionally inaccurate recording of any visual or mechanical measurement of goods, raw materials, and agricultural products (whether severed or unsevered from the land) which he or she has or will have the duty to measure, or shall (2) intentionally change, alter or affect, for the purpose of making an inaccurate measurement, any equipment or other device which is designed to measure, either qualitatively or quantitatively, such goods, raw materials, and agricultural products, or shall intentionally alter the recordation of such measurements, is guilty of a class B felony, punishable by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both. [2003 c 53 s 30; 1992 c 7 s 11; 1967 c 200 s 2.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 9.45.126 Measurement of commodities—Inducing violations—Penalty. Every person who shall give, offer or promise, or conspire to give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any person, corporation, independent contractor, or agent, employee or servant thereof with intent to violate RCW 9.45.124, is guilty of a class B felony, punishable by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both. [2003 c 53 s 31; 1992 c 7 s 12; 1967 c 200 s 3.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 9.45.160 Fraud in liquor warehouse receipts. It shall be unlawful for any person, firm, association or corporation to make, utter, circulate, sell or offer for sale any certificate of any warehouse, distillery or depository for intoxicating liquors unless the identical liquor mentioned in such certificate is in the possession of the warehouse, distillery or depository mentioned in such certificate fully paid for, so that the owners and holder of such certificate will be entitled to obtain such intoxicating liquors without the payment of any additional sum except the tax of the government and the tax of the state, county and city in which such warehouse, distillery or depository may be located, and any storage charges. [1909 c 202 s 1. No RRS.]

RCW 9.45.170 Penalty. Any person violating any of the provisions of RCW 9.45.160, shall, upon conviction thereof, be punished by imprisonment in the penitentiary for not more than five years nor less than one year, or imprisonment in the county jail for any length of time not exceeding one year. [1909 c 202 s 2. No RRS.]

RCW 9.45.210 Altering sample or certificate of assay. Any person who shall interfere with or in any manner change samples of ores or bullion produced for sampling, or change or alter samples or packages of ores or bullion which have been purchased for assaying, or who shall change or alter any certificate of sampling or assaying, with intent to cheat, wrong or defraud, is guilty of a class C felony, punishable by imprisonment in a state correctional facility for not less than one year nor more than five years, or by a fine of not less than fifty nor more than one thousand dollars, or by both such fine and imprisonment. [2003 c 53 s 32; 1890 p 99 s 2; RRS s 2712.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 9.45.220 Making false sample or assay of ore. Any person who shall, with intent to cheat, wrong or defraud, make or publish a false sample of ore or bullion, or who shall make or publish or cause to be published a false assay of ore or bullion, is guilty of a class C felony, punishable by imprisonment in a state correctional facility for not less than one year nor more than five years, or by a fine of not less than fifty nor more than one thousand dollars, or by both such fine and imprisonment. [2003 c 53 s 33; 1890 p 99 s 3; RRS s 2713.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 9.45.260 Fire protection sprinkler system contractors—Wrongful acts. Any fire protection sprinkler system contractor, defined under RCW 18.160.010, who willfully and maliciously constructs, installs, or maintains a fire protection sprinkler system in any structure so as to threaten the safety of any occupant or user of the structure in the event of a fire, is guilty of a class C felony. This section may not be construed to create any criminal liability for a prime contractor or an owner of a structure unless it is proved that the prime contractor or owner had actual knowledge of an illegal construction, installation, or maintenance of a fire protection sprinkler system by a fire protection sprinkler system contractor. [1992 c 116 s 1.]

Fire protection sprinkler system contractors, licensing and regulation: Chapter 18.160 RCW.

RCW 9.45.270 Fraudulent filing of vehicle report of sale. Every person who files a vehicle report of sale without the knowledge of the

transferee shall be guilty of fraudulent filing of vehicle report of sale and shall be punished as follows:

(1) Where the victim incurred damages in an amount less than two hundred fifty dollars, the defendant is guilty of a gross misdemeanor.

(2) Where the victim incurred damages in an amount exceeding two hundred fifty dollars, the defendant is guilty of a class C felony.

(3) Where the victim incurred damages in an amount exceeding one thousand five hundred dollars, the defendant is guilty of a class B felony. [2006 c 291 s 1.]