

prosecution shall upon notice of conviction in another court remove the defendant's docket from the deferred prosecution file and require the defendant to enter a plea to the original charge.

NEW SECTION. Sec. 11. Delay in bringing a case to trial caused by a defendant requesting deferred prosecution as provided for in this chapter shall not be grounds for dismissal.

NEW SECTION. Sec. 12. Two years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

NEW SECTION. Sec. 13. Funds shall be appropriated from the fines and forfeitures of the court to provide investigation, examination, report and treatment plan for any indigent person who is unable to pay the cost of any program of treatment.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 10 RCW.

Passed the Senate June 8, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

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## CHAPTER 245

[Engrossed Senate Bill No. 2670]

### ALCOHOLIC BEVERAGE CONTROL— INTERSTATE PASSENGER CARRIERS

AN ACT Relating to liquor licenses and taxes; amending section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420; adding a new section to chapter 66.24 RCW; and repealing section 23L added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.390.

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

Section 1. Section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

~~(d) ((The fee for any dining, club or buffet car, or any boat or airplane shall be as provided in subsection (4) of this section.~~

~~(e))~~ Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a restaurant in an airport terminal facility shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and such food service shall be available on request in other licensed places on the premises: PROVIDED, FURTHER, That an additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

~~((f))~~ (e) Where the license shall be issued to any corporation, association, or person operating dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place: PROVIDED, That the holder of a master license for a dining place at such a publicly owned civic center shall be required to maintain in a substantial manner at least one place on the premises for preparing, cooking and serving of complete meals, and food service shall be available on request in other licensed places on the premises: PROVIDED FURTHER, That an additional license fee of ten dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, with out being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

~~(4) ((Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any~~

~~boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: PROVIDED, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED FURTHER, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.~~

~~(5))~~ The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

~~((6))~~ (5) Notwithstanding the provisions of subsection ~~((5))~~ (4) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

NEW SECTION. Sec. 2. There is added to chapter 66.24 RCW a new section to read as follows:

(1) (a) There shall be a license that may be issued to corporations, associations, or persons operating as federally licensed commercial common passenger carriers engaged in interstate commerce, in or over territorial limits of the state of Washington on passenger trains, vessels, or airplanes. Such license shall permit the sale of spirituous liquor, wine, and beer at retail for passenger consumption within the state upon one such train passenger car, vessel, or airplane, while in or over the territorial limits of the state. Such license shall include the privilege of transporting into and storing within the state such liquor for subsequent retail sale to passengers in passenger train cars, vessels or airplanes. The fees for such master license shall be six hundred dollars per annum (class CCI-1): PROVIDED, That where the sale and/or service of alcoholic beverages by such federally licensed common passenger carrier does not include spirituous liquor, the fee shall be two hundred dollars per annum (class CCI-2): PROVIDED, FURTHER, That upon payment of an additional sum of five dollars per annum per car, or vessel, or airplane, the privileges authorized by such license classes shall extend to additional cars, or vessels, or airplanes operated by the same licensee within the state, and a duplicate license for each additional car, or vessel, or airplane shall be issued: PROVIDED, FURTHER, That such licensee may make such sales and/or service upon cars, or vessels, or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED, FURTHER, That such license shall be valid only while such cars, or vessels, or airplanes are actively operated as common carriers for hire in interstate commerce and not while they are out of such common carrier service.

(b) Alcoholic beverages sold and/or served for consumption by such interstate common carriers while within or over the territorial limits of this state shall be

subject to such board markup and state liquor taxes in an amount to approximate the revenue that would have been realized from such markup and taxes had the alcoholic beverages been purchased in Washington: PROVIDED, That the board's markup shall be applied on spirituous liquor only. Such common carriers shall report such sales and/or service and pay such markup and taxes in accordance with procedures prescribed by the board.

(2) Where such an interstate federally licensed common carrier does not sell spirituous liquor, wine, or beer at retail for passenger consumption while within or over the territorial limits of this state, but the business operation of the interstate common carrier requires the bringing in and storing of liquor within the state the license fee shall be four hundred dollars per annum (class CCI-3): PROVIDED, That where such transporting and/or storage of alcoholic beverages by such common carrier does not include spirituous liquor, the license fee shall be one hundred dollars per annum (class CCI-4).

(3) Alcoholic beverages sold and delivered in this state to interstate common carriers for use under the provisions of this section shall be considered exported from the state, subject to the conditions provided in subsection (1) (b). The storage facilities for liquor within the state by common carriers licensed under this section shall be subject to written approval by the board.

NEW SECTION. Sec. 3. Section 23L added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.390 are each hereby repealed.

Passed the Senate May 12, 1975.

Passed the House June 7, 1975.

Approved by the Governor June 26, 1975.

Filed in Office of Secretary of State June 27, 1975.

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## CHAPTER 246

[Engrossed Senate Bill No. 2735]

### MENTALLY AND/OR PHYSICALLY DEFICIENT PERSONS—STATE CARE

AN ACT Relating to mentally and/or physically deficient persons; amending section 72.33.020, chapter 28, Laws of 1959 as amended by section 101, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.33.020; amending section 72.33.130, chapter 28, Laws of 1959 and RCW 72.33.130; amending section 72.33.140, chapter 28, Laws of 1959 and RCW 72.33.140; amending section 72.33.150, chapter 28, Laws of 1959 and RCW 72.33.150; amending section 72.33.160, chapter 28, Laws of 1959 as amended by section 4, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.160; amending section 72.33.170, chapter 28, Laws of 1959 and RCW 72.33.170; amending section 72.33.200, chapter 28, Laws of 1959 and RCW 72.33.200; amending section 72.33.220, chapter 28, Laws of 1959 and RCW 72.33.220; amending section 72.33.240, chapter 28, Laws of 1959 as amended by section 135, chapter 81, Laws of 1971 and RCW 72.33.240; adding new sections to chapter 72.33 RCW; and repealing section 72.33.120, chapter 28, Laws of 1959, section 1, chapter 154, Laws of 1959 and RCW 72.33.120.

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

Section 1. Section 72.33.020, chapter 28, Laws of 1959 as amended by section 101, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.33.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise: