

CHAPTER 162

[Engrossed Senate Bill No. 2199]

DRIVERS' LICENSES—USERS OF ALCOHOLIC BEVERAGES

AN ACT Relating to motor vehicles; and amending section 4, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.031.

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

Section 1. Section 4, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.031 are each amended to read as follows:

The department shall not issue a driver's license hereunder:

- (1) To any person who is under the age of sixteen years;
- (2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;
- (3) To any person when the department has been notified by a court that such person has violated his written promise to appear in court, unless the department has received a certificate from the court in which such person promised to appear, showing that the case has been adjudicated. The deposit of bail by a person charged with a violation of any law regulating the operation of motor vehicles on highways shall be deemed an appearance in court for the purpose of this section;
- (4) To any person who ~~((is an habitual drunkard, or))~~ (a) is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle; or (b) habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is disrupted so as to constitute a danger to other persons or property: PROVIDED, That a license may be issued if the department determines that such person is participating in an alcoholism recovery program acceptable to the department and has established control of his alcoholic condition;
- (5) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: PROVIDED, HOWEVER, That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;
- (6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;
- (7) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (8) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability

would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction.

Passed the Senate May 27, 1977.

Passed the House May 13, 1977.

Approved by the Governor June 6, 1977.

Filed in Office of Secretary of State June 6, 1977.

CHAPTER 163

[Substitute Senate Bill No. 2210]

FUNERAL AND CEMETERY SERVICES

AN ACT Relating to the regulation of funeral and cemetery services; adding new sections to chapter 48.40 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. (1) Notwithstanding the provisions of RCW 48.40.080, a funeral establishment licensed pursuant to chapter 18.39 RCW may enter into prearrangement funeral service contracts, subject to the provisions of this chapter.

(2) Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter:

(a) "Prearrangement funeral service contract" means any contract, other than a contract entered into by an insurance company, under which, for a specified consideration paid in advance in a lump sum or by installments, a funeral establishment promises, upon the death of a beneficiary named or implied in the contract, to furnish funeral merchandise or services.

(b) "Funeral merchandise or services" shall mean those services normally performed and merchandise normally provided by funeral establishments including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

(c) "Qualified public depository" means a depository defined by RCW 39.58-.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.

NEW SECTION. Sec. 2. (1) Any funeral establishment selling by prearrangement funeral service contract any funeral merchandise or services shall establish and maintain one or more prearrangement funeral service trust funds for the benefit of the beneficiary of the prearrangement funeral service contract.

(2) Fifteen percent of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment. Deposits to the prearrangement funeral service trust fund shall be made not later than the twentieth day of the month following the receipt of each payment made on the last eighty-five percent of each prearrangement funeral service contract, excluding sales tax.