

(5) It shall be illegal for a premium finance company to offset funds of an agent with funds belonging to an insured. Premiums advanced by a premium finance company are funds belonging to the insured and shall be held in a fiduciary relationship.

NEW SECTION. Sec. 7. There is added to chapter 48.30 RCW a new section to read as follows:

No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the sex or marital status, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased or reduced on the basis of the sex or marital status, or be restricted, modified, excluded or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. These provisions shall not prohibit fair discrimination on the basis of sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:
 (1) Section 1, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.280; and
 (2) Section 2, chapter 174, Laws of 1971 ex. sess. and RCW 48.30.290.

Passed the House March 15, 1976.

Passed the Senate March 14, 1976.

Approved by the Governor March 24, 1976.

Filed in Office of Secretary of State March 24, 1976.

CHAPTER 120

[Substitute House Bill No. 77]

NONPARTISAN ELECTIONS

AN ACT Relating to nonpartisan elections; amending section 14, chapter 299, Laws of 1961 and RCW 3.34.050; amending section 29.21.010, chapter 9, Laws of 1965 as amended by section 7, chapter 123, Laws of 1965 and RCW 29.21.010; amending section 29.21.015, chapter 9, Laws of 1965 and RCW 29.21.015; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 56, chapter 283, Laws of 1969 ex. sess. and RCW 29.21.060; amending section 29.21.140, chapter 9, Laws of 1965 and RCW 29.21.140; amending section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150; amending section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160; amending section 1, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.350; amending section 2, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.360; amending section 3, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.370; amending section 4, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.380; amending section 35.20.150, chapter 7, Laws of 1965 and RCW 35.20.150; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.21 RCW; repealing section 29.21.170, chapter 9, Laws of 1965 RCW 29.21.170; repealing section 29.21.230, chapter 9, Laws of 1965, section 3, chapter 131, Laws of 1969, section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230; repealing section 29.24.110, chapter 9, Laws of 1965 and RCW 29.24.110; and declaring an emergency.

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

Section 1. Section 29.21.010, chapter 9, Laws of 1965 as amended by section 7, chapter 123, Laws of 1965 and RCW 29.21.010 are each amended to read as follows:

All ~~((primaries for all))~~ cities ~~((of the first, second and third class,))~~ and towns shall hold primary elections irrespective of type or form of government which shall be nonpartisan and held as provided in RCW 29.13.070, as now or hereafter amended. All districts, except public utility districts and those districts which require ownership of property within said districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the ~~((municipal))~~ city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the ~~((municipal))~~ city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least ~~((ten))~~ five percent of the total votes cast for that office. The sequence of names of candidates printed on the ~~((municipal))~~ city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the ~~((municipal))~~ city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

Sec. 2. Section 29.21.015, chapter 9, Laws of 1965 and RCW 29.21.015 are each amended to read as follows:

No primary election shall be held for any single position in any city, town, or district, as required by RCW 29.21.010, as now or hereafter amended, if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for ~~((each))~~ the position to be filled: PROVIDED, That whenever it shall be necessary to hold a primary election for any one such position because of the number of candidates remaining filed, no primary election shall be held for any other position for which no more than two candidates have remained as filed. ~~((In such event))~~ Insofar as such positions not being subjected to a primary election are concerned, the ~~((city clerk))~~ county auditor shall ~~((immediately notify all candidates concerned and if the county auditor has jurisdiction of such primary election, he shall also be notified))~~ as soon as possible notify all the candidates so affected. Names of candidates that would have been printed upon the ~~((city))~~ primary ballot, but for the provisions of this section, shall be printed upon the ~~((city))~~ general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Sec. 3. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 56, chapter 283, Laws of 1969 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the clerk thereof not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices ~~((in port districts, which are located in class AA and class A counties, and first class school districts))~~ subject to the provisions of RCW 29.21.010, as now or hereafter amended, shall file their declarations of candidacy with the county auditor of the county not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular district elections are held((:

~~All candidates for district offices not subject to a primary election, other than irrigation districts, shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the date of the election with the appropriate county auditor. PROVIDED, That in the case of public utility districts, and in no other, nominations shall be made by means of nominating petitions)): PROVIDED ((FURTHER)), That this chapter shall not change the method of nomination for first district officers at the formation of ((the)) any district.~~

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

The city and town clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030, ~~((29.18-035, and 29.18.060))~~ through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy.

Sec. 4. Section 29.21.140, chapter 9, Laws of 1965 and RCW 29.21.140 are each amended to read as follows:

If at the same election there are ~~((long terms and))~~ short terms or full terms and unexpired terms of office to be filled, the town or city clerk, the secretary of state, or the county auditor, as the case may be, shall distinguish them and designate the short term, ((the long term;)) the full term, and the unexpired term ((separately)), as such, or by use of the words "short term", "unexpired two year term" or "four year term" as the case may be.

In filing his declaration of candidacy in such cases the candidate shall specify that his candidacy is for the short term, ~~((the long term;))~~ the full term or the unexpired term as the case may be: PROVIDED, That when both a short term and

a full term for the same position are scheduled to be voted upon, a single declaration of candidacy accompanied by a single filing fee shall be construed as a filing for both the short term and the full term and the name of such candidate shall appear upon the ballot for the position sought with the designation "short term and long term". The candidate elected to both such terms shall be sworn into and assume office for the short term as soon as the election returns have been certified and shall again be sworn into office on the second Monday in January following the election to assume office for the full term.

Sec. 5. Section 1, chapter 10, Laws of 1970 ex. sess. and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, ~~((for justices of the peace,))~~ and for state superintendent of public instruction, ~~((and for directors of first class school districts,))~~ if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter ~~((: PROVIDED FURTHER, That the provisions of Article IV, Section 29 of the Washington Constitution shall apply to offices of judges of the court of appeals))~~.

Sec. 6. Section 29.21.160, chapter 9, Laws of 1965 and RCW 29.21.160 are each amended to read as follows:

If there are two or more places to be filled for nonpartisan office, the number of candidates equalling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office ~~((: PROVIDED, That the names of any candidates therefor who receive a majority of all of the votes cast at the primary for that office, shall be printed separately as candidates for that office under the designation "Vote for " followed by blank spaces equaling the number of such majority candidates for the writing in of any other name by a voter))~~.

Sec. 7. Section 35.20.150, chapter 7, Laws of 1965 and RCW 35.20.150 are each amended to read as follows:

The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by number so assigned the position for which he is a candidate, and the name of such candidate shall appear on the ballot only for such position. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on

the general election ballot under the designation therefor(~~(- PROVIDED, That if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter)~~). Elections for municipal judge shall be nonpartisan. They shall hold office for a term of four years and until their successors are elected and qualified. The term of office shall start on the second Monday in January following such election. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

Sec. 8. Section 14, chapter 299, Laws of 1961 and RCW 3.34.050 are each amended to read as follows:

At the general election in November, 1962 and quadrennially thereafter, there shall be elected by the voters of each justice court district the number of justices of the peace authorized for such district by the justice court districting plan. Justices of the peace shall be elected for each district by the qualified electors of the justice court district in the same manner as judges of courts of record are elected. Not less than ten days before the time for filing declarations of candidacy for the election of justices of the peace for justice court districts entitled to more than one justice of the peace, the county auditor shall designate each such office of justice of the peace to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. Each candidate at the time of the filing of his declaration of candidacy shall designate by number which one, and only one, of the numbered offices for which he is a candidate and the name of such candidate shall appear on the ballot for only the numbered office for which the candidate filed his declaration of candidacy.

~~((In all elections for justices of the peace, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.))~~

Sec. 9. Section 1, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.350 are each amended to read as follows:

A void in candidacy for a nonpartisan office occurs when an election for such office, except for the short term, has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

Sec. 10. Section 2, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.360 are each amended to read as follows:

Filings for a nonpartisan office shall be ~~((opened))~~ reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the fourth Tuesday prior to a primary:

- (1) A void in candidacy occurs;
- (2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or
- (3) A nominee for judge (~~(of the court of appeals or)~~) of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified.

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 11. Section 3, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.370 are each amended to read as follows:

Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

(1) A void in candidacy for such nonpartisan office occurs on or after the fourth Tuesday prior to a primary but prior to the fourth Tuesday before an election; or

(2) A nominee for judge (~~(of the court of appeals or)~~) of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period when a petition for write-in candidacy may be received; or

(3) A vacancy occurs in any nonpartisan office on or after the fourth Tuesday prior to a primary but prior to the fourth Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held.

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

Sec. 12. Section 4, chapter 61, Laws of 1972 ex. sess. and RCW 29.21.380 are each amended to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when:

(1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the fourth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in RCW 29.21.370, as now or hereafter amended, a nominee for judge (~~(of the court of appeals or)~~) of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the fourth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the fourth Tuesday prior to an election.

NEW SECTION. Sec. 13. There is added to chapter 29.21 RCW a new section to read as follows:

If after both the normal filing period and special three day filing period as provided by RCW 29.21.360 and 29.21.370, as now or hereafter amended, have passed and still no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until his successor is elected at the next election when such positions are voted upon as provided by RCW 29.21.410, as now or hereafter amended.

NEW SECTION. Sec. 14. There is added to chapter 29.01 RCW a new section to read as follows:

"Short term" means the brief period of time starting upon the completion of the certification of election returns and ending with the start of the full term on the second Tuesday of the next January immediately following the election and is applicable only when the office concerned is being held by an appointee to fill a vacancy which occurred after the last election, at which such office could have been voted upon for an unexpired term, prior to the election for such office for the subsequent full term.

NEW SECTION. Sec. 15. The following acts or parts of acts are hereby repealed:

- (1) Section 29.21.170, chapter 9, Laws of 1965 and RCW 29.21.170;
- (2) Section 29.21.230, chapter 9, Laws of 1965, section 3, chapter 131, Laws of 1969, section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230; and
- (3) Section 29.24.110, chapter 9, Laws of 1965 and RCW 29.24.110.

NEW SECTION. Sec. 16. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 18, 1976.

Passed the Senate March 17, 1976.

Approved by the Governor March 25, 1976.

Filed in Office of Secretary of State March 25, 1976.

CHAPTER 121

[House Bill No. 1272]

AUTO TRANSPORTATION COMPANIES DEFINED—EXCEPTION, HOME TO WORK COMMUTING

AN ACT Relating to transportation; and amending section 81.68.010, chapter 14, Laws of 1961 as amended by section 10, chapter 210, Laws of 1969 ex. sess. and RCW 81.68.010.