

(2) Being a parent, legal guardian, or person having custody or control of a minor, knowingly permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or displayed for commercial use;

is guilty of a Class B felony.

In a prosecution under this chapter, it is not a defense that the defendant did not know the victim's age: **PROVIDED**, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

NEW SECTION. Sec. 3. A person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, or in this state possesses, prepares, publishes, or prints with intent to distribute, sell, or exhibit to others for commercial consideration, any visual or printed matter which is obscene, knowing that the production of such matter involves the use of a minor engaged in sexually explicit conduct and that the matter depicts such conduct, is guilty of a Class C felony.

This section does not apply to acts which are an integral part of the exhibition or performance of the motion picture when such acts are done within the scope of employment by a motion picture operator or projectionist employed by the owner or manager of a theater or other place for the showing of motion pictures, unless the motion picture operator or projectionist has a financial interest in such theater or place wherein employed or unless the operator or projectionist caused to be performed or exhibited the performance or motion picture without the consent of the manager or owner of the theater or other place of showing.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall constitute a new chapter in Title 9 RCW.

NEW SECTION. Sec. 5. If any provision of this 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.

Passed the House February 21, 1980.

Passed the Senate February 15, 1980.

Approved by the Governor March 3, 1980.

Filed in Office of Secretary of State March 3, 1980.

CHAPTER 54

[House Bill No. 762]

SAVINGS AND LOAN ASSOCIATIONS—NEGOTIABLE INSTRUMENTS OF WITHDRAWAL

AN ACT Relating to transaction accounts for savings and loan associations; amending section 10, chapter 107, Laws of 1969 and RCW 33.20.190; and amending section 30, chapter 235, Laws of 1945 and RCW 33.12.020.

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

Section 1. Section 10, chapter 107, Laws of 1969 and RCW 33.20.190 are each amended to read as follows:

A savings and loan association may, on instruction from a saver or depositor, effect withdrawals from his account by the association's drafts payable to parties and on terms as so instructed (~~(: PROVIDED, HOWEVER, That no account or deposit in a savings and loan association shall be subject to a check or to withdrawal or transfer on negotiable or transferable order or authorization to the savings and loan association)~~). A savings and loan association may allow a saver or depositor to effect withdrawals or transfers from his or her account upon negotiable or transferable order or authorization to the association. To the extent of the subjection of accounts to such withdrawal instructions or orders, such accounts may be specifically classified under RCW 33.20.180 and ineligible to receive interest or eligible only for limited interest.

Sec. 2. Section 30, chapter 235, Laws of 1945 and RCW 33.12.020 are each amended to read as follows:

An association shall not carry any (~~commercial or checking~~) demand accounts.

NEW SECTION. Sec. 3. The provisions of this 1980 amendatory act shall take effect on the effective date of a law enacted by the United States Congress enabling depository institutions in the state of Washington to allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties.

Passed the House February 21, 1980.

Passed the Senate February 14, 1980.

Approved by the Governor March 3, 1980.

Filed in Office of Secretary of State March 3, 1980.

CHAPTER 55

[Substitute House Bill No. 1429]

PRIVATE TIDELANDS—SHELLFISH HARVESTING

AN ACT Relating to food fish and shellfish; and amending section 75.08.080, chapter 12, Laws of 1955 and RCW 75.08.080.

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

Section 1. Section 75.08.080, chapter 12, Laws of 1955 and RCW 75.08.080 are each amended to read as follows: